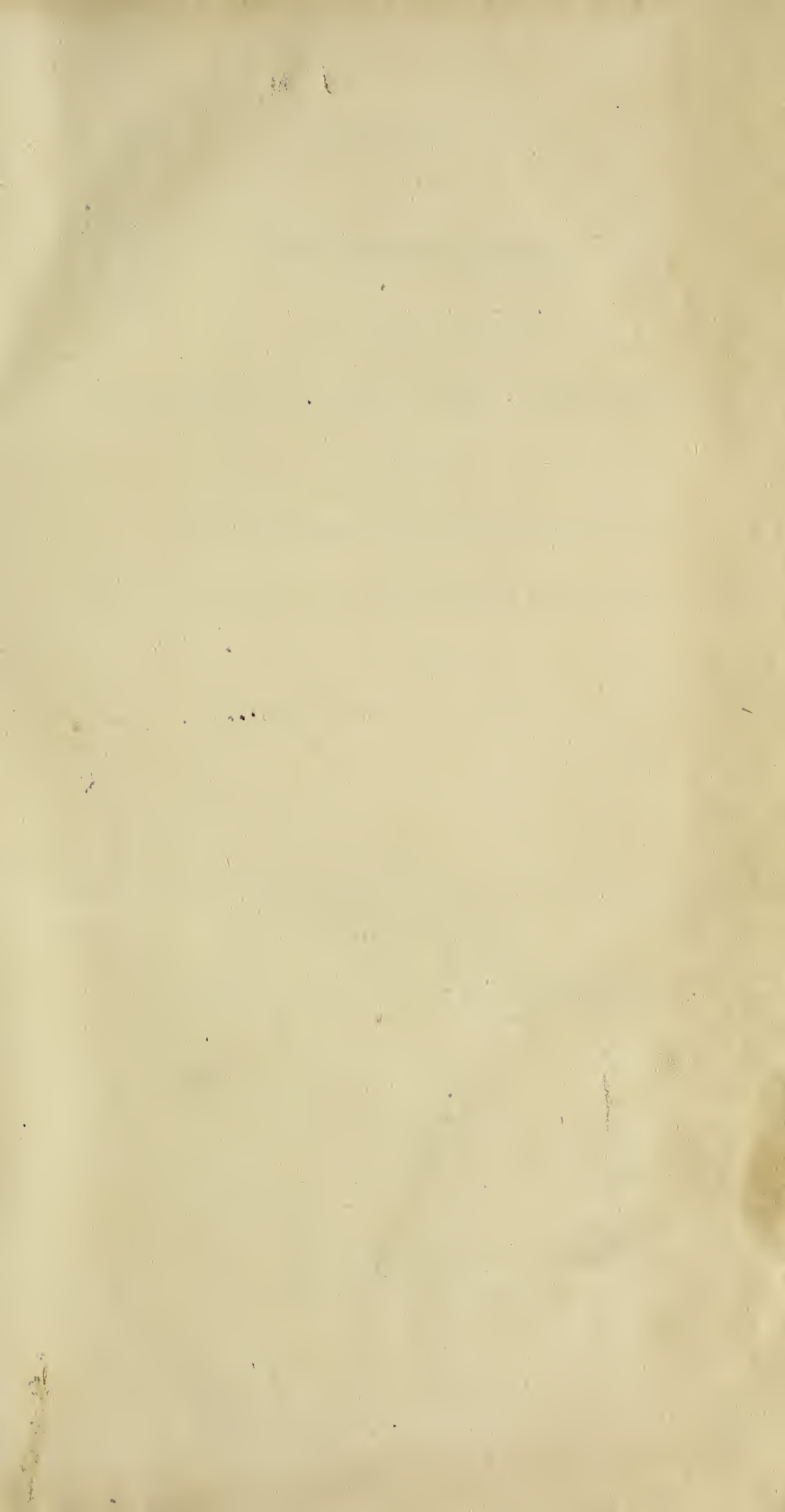




Adventures

1890

[DOCUMENT 512.]

CORRESPONDENCE

ON THE SUBJECT OF THE

EMIGRATION OF INDIANS,

BETWEEN

THE 30th NOVEMBER, 1831, AND 27th DECEMBER, 1833,

WITH ABSTRACTS OF EXPENDITURES BY DISBURSING AGENTS,

IN THE

Removal and Subsistence of Indians, &c. &c.

FURNISHED

IN ANSWER TO A RESOLUTION OF THE SENATE, OF 27th DECEMBER, 1833,

BY THE

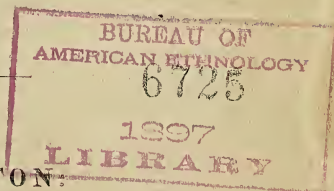
COMMISSARY GENERAL OF SUBSISTENCE.

VOL. II.

WASHINGTON:

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1835.



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Vol 2

PART FOURTH.

LETTERS TO AGENTS AND OTHERS.

WAR DEPARTMENT, *June 1, 1830.*

SIR: I have deferred making any formal communication to you on Indian affairs, desiring to see the final decision which would be given by Congress upon questions so interesting—questions which are important to the people of this country, and particularly so to the Indians themselves. Whatever argument and fancy may suggest, it is undeniably true, that to remove from their present homes, affords the only hope for their preservation and happiness. Owners in fee of the country, they will then begin to look to an ownership of the soil in severalty—to the extension of agricultural habits, and to the improvement of their farms. Their wandering habits may, after a time, be thus corrected, and their attention turned to industry and domestic pursuits. I have little doubt that these people, now, when their expectation of an interference on the part of Congress has failed, will awaken to a sense of their condition and true interest, and to a knowledge that their utter and entire extinction, as a people, must be the consequence of remaining at their present homes.

— Pending the examination of these questions before Congress, the suggestion has been frequently made that the Indians, if placed in the west, may again be subject to intrusions and interruptions. This is assuming too much, and more, I should fain hope, than the good faith of this Government will even authorize to be conjectured. This unfortunate race of people have strong claims to our justice, and to our sympathies, and should be protected from all interruptions after they shall reach their new homes. If Congress shall do no more, in legislating for them, they will doubtless place at the disposal of the Executive, authority sufficient to prevent the white people from ever interfering with, or intruding upon, their soil and their rights. This can be done, and this I have no hesitation in believing will be done. If so, a state of things more propitious to our red friends will be produced than has been witnessed at any former period of their history. On power, and their strength in battle, they can no longer attempt to rely—it is a dream of years gone by, and in which there is no longer a confidence reposed, even

by themselves. Their only reliance for the future against those imputations upon the faith of the Government, which are so gratuitously made, must be on the magnanimity and high sense of justice which prevail with the people and authorities of this country in their favor; and in this confidence they should not, and will not, be disappointed. The bill which has recently passed is an augury of this, and cannot fail to satisfy all who will dispassionately look to its provisions. No rash or compulsory course is directed. The Executive desired nothing such, but preferred rather to leave their action to be regulated by a free exercise of their judgment and reason.

In the progress of this business here, many difficulties were presented, on the ground of the right asserted by Georgia to extend her laws over the Indian country. Upon this subject you are already informed of the opinions which are entertained by the President; and of the distinctions which have been taken. The right to regulate the internal policy of a State has not been confided to the General Government; and, of course, on collisions thus arising it cannot interfere. To the extent however of executing the provisions of the act of 1802, and restraining intruders and trespassers from the soil and country of the Indians, the President will act. He indulges a hope that you will lend whatever facilities may be in your power to restrain the citizens of Georgia from passing into and settling on the lands of those people. Our treaties and laws forbid this; and these he will consider it a duty faithfully to execute.

In this Indian bill, which has been a subject of much excitement, you will perceive nothing, I hope, calculated to excite fears for, or sensibility towards, the red men of the forest. It is not to give them a country to the west. Already, under former treaties, they have one—extensive, fertile, and, from all the accounts we have received, infinitely more desirable than the country they possess within the States. About six thousand of the Cherokees, equal fully to a third of the entire number of the tribe, have already emigrated to their lands in the west, and are doing well. Portions of the Creek and Choctaw Indians, possessed also of lands there, have removed. The law contains a liberal appropriation to enable the Executive, when any of these tribes shall manifest a willingness to remove, to pay their expenses in going, and to support them for one year, until time be afforded to open their farms and rear a crop. Is this injustice and cruelty? Assuredly, it deserves a milder name. Already, under former treaties concluded, it is stipulated that they shall be supported and removed at the expense of the General Government; and the appropriation is but to carry these into effect in favor of those who, in pursuance of treaties, shall be willing to remove. Suppose, as many honest and well meaning men desired, the bill had not passed, would it not have been a breach of that faith, which promises to aid in their removal, and to support them for a year? It would have been a very insufficient and unsatisfactory answer to a voluntary application from the Indians, to have told them there was no money whereby the Government could comply with their promises.

But in another essential part the act of Congress holds out justice, not cruelty. It is known to all that the red man's title to lands proceeds not beyond the mere occupancy. Another and another succeeds, as the possessor leaves his soil and improvement; and even the tribe itself has title only while it exists, and continues to occupy the country. Something

DSI

more permanent and durable is now presented. The former savage tenure for allodial right is exchanged, and the President authorized to give a grant to the country, to endure while the tribe shall exist.

You have been informed of the course taken by the President, upon the subject of the boundary, which is to be considered as having truly existed formerly between the Cherokee and Creek Indians. General Coffee was instructed to proceed to the place, and make an examination. The report he has presented, in relation to that boundary, fixing its beginning at the Shallow ford on the Catahoochie, and running southwestwardly along a ridge, as is represented in the map which was sent to you, has been confirmed, and will be considered the southern boundary of the Cherokees. In the month of April notice was given that if there were any Indians residing to the south of that line they would retire north, and within the limits of their nation: a corresponding order was issued, requiring that all intruders should depart from the Indian country. The reasons which led to this decision respecting the boundary of the Cherokees, have been heretofore partially adverted to. The Creeks were the ancient and first settlers, while the coming of the Cherokees is matter of recollection. Tradition reaches not to the time when the Creeks came into those regions—their fable of history is, that they sprung from the earth. It was not until the year 1821, that the line of separation to the south between those tribes was established, by an agreement entered into by the tribes themselves. The question, then, for consideration was whether, by the usage, laws, and judicial decisions of this country, it was competent for Indians to arrange and define their boundaries, whereby the one could acquire title to the soil of another. Our laws prohibit such transfers to any, except to the Government, or where the Government is a party to the transaction; and this principle has been maintained and asserted to be correct by our highest judicial tribunals. The Cherokees, consequently, could not purchase from the Creeks; and hence the only matter for investigation was to ascertain, through some competent and just examiners, where the line of separation was correctly and properly to be fixed. General Coffee was sent upon this errand; and, after diligent inquiry, has recommended its establishment as I have before stated, as represented upon the map sent to you; and that decision the President has approved. Upon the subject of Indian improvements abandoned, and which the Government has paid for, or which, being assessed by commissioners, it is liable to pay for, you are already informed. These will be considered as not belonging any longer to the Cherokees, at least such of them as are within the limits of the State of Georgia.

Very respectfully,

JOHN H. EATON.

To his Excellency GEORGE R. GILMER,
Governor of Georgia.

WAR DEPARTMENT, *June 1, 1830.*

FRIENDS AND BROTHERS: When your special messenger, Major Haley, arrived here, he brought a treaty signed by many of your principal men,

proposing to cede your country and go to your lands beyond the Mississippi. Your great father was rejoiced, because he is every day more and more convinced that you cannot remain where you are, and be a happy and prosperous people. He placed the treaty you had sent before his great council, the Senate, who were then in session, and asked them seriously to consider the situation of their red brothers, and to decide if they would agree to the treaty which was sent. They have lately broke up their council and have returned home, refusing to adopt it; but, at the same time, directed you to be informed that they would be well pleased if you would meet any commissioners your great father might send; and expressed a wish that a treaty should be concluded with you on liberal terms.

Your great father, who sits by me while I write, directs me to say this to you: and further, that if you are sincere in your disposition to make a treaty, and go beyond the Mississippi, he will send some confidential persons to see you at your council, and to make a liberal and a generous treaty with you; such as shall satisfy you all, and in the end tend to make you a happier people than you are at present.

Very shortly he will write you again. Talk these things over, and send him word that you are willing to meet and to treat with him. He does not, and so directs me to say, wish to meet you in council unless he is fully assured that you are ready and sincerely willing to make a treaty. He expects himself to go shortly to Tennessee; and if so, then he wishes you to consent to meet him at Franklin, near Nashville. The President will himself be there with the Secretary of War, when and where he will be happy to shake you by the hand, hear your grievances, and, far as he can, relieve them.

Congress has passed a law manifesting a desire that you should remove, and have liberally prepared the means for taking care of you. They will not, because they cannot, interfere to prevent the States extending their laws over you, and of course you are now to decide whether you will submit to those laws upon your people, or go beyond the Mississippi, where you can be under your own laws, and upon your own land, with none to interrupt you.

Major Haley is present with me, and will tell you all and every thing about your affairs more than I have leisure to write. He is instructed by your great father to assure you of the good feelings entertained by him towards your nation. He is a good friend of yours, and will tell you how necessary it is for you to remove. Speak with him freely, and let us know what you will do. Send word to your neighbors, the Chickasaws, that they may come with you to Tennessee to see your great father, that they, too, if disposed, may make a treaty and remove with you.

Upon condition only that you shall be willing to enter into a treaty, it is desirable for you to come to Tennessee, there to meet your great father and the Secretary of War? He expects to be there; but if any thing shall prevent them, on hearing from you he will send the Secretary of War or some commissioner to meet you. It will be expected that the principal chiefs, in health and able to do so, and six captains from each district, will come, which will be twenty in all. Bring also one or more interpreters, and such others as you may choose; the whole number not to exceed twenty-five or thirty. Those who come must bring with them full and ample powers to make and conclude a treaty, finally, upon all matters. A liberal

allowance for your travelling expenses, in coming and returning home, and while you are in Tennessee, will be made.

Your friend and brother,

JOHN H. EATON.

To the PRINCIPAL CHIEFS, &c.,

Head-men of the Choctaw nation.'

WAR DEPARTMENT,

Office Indian Affairs, June 3, 1830.

DEAR SIR: The conditional ratification of a supplementary treaty with the Delaware Indians, by the United States' Senate, requires that certain surveys shall be made. The conditions are stated in the accompanying copy of a resolution of the Senate, and the lines to be run are defined in the first paragraph of the treaty aforesaid, and illustrated by a sketch which accompanies this—No. 1.

The Secretary of War, by the authority of the President of the United States, refers the execution of this trust to you. No detailed instructions are necessary, since these are ample in the treaty and the resolution of the Senate which accompanies it. You will be governed by these; and in every particular. To aid you with a better view of the country, contiguous to that which is to be surveyed and marked by you, I enclose a copy (No. 2) of Mr. Langham's survey of the Kansas reservation.

I am directed by the Secretary of War to say, that your compensation will be at the rate of five dollars a day, for the time that you may be actually engaged in the execution of this trust; that you will be aided by an assistant surveyor, to be chosen by yourself, whose compensation will be at the rate of three dollars a day, whilst actually engaged; and by a corporal's guard, which will be detailed to report to you from Cantonment Leavenworth. This guard will perform the duties of axemen, &c., and marking of the lines, and in aiding in the transportation of your supplies, &c., from place to place.

You will obtain of the Delawares a designation of their agent, for which the resolution of the Senate provides, whose support will be allowed him, or a daily compensation equivalent to it.

You will be careful, in all things, to conform to the provisions of the resolution of the Senate, in obtaining the certificate of the agent who may be appointed by the Delawares, and in transmitting the map of the surveys, &c., to the President of the United States, for his approval and signature, &c. You will be particular in making up your accounts, and these will embrace your own pay, at the rate mentioned, and your assistant, and the number of days the guard may be with you; as to each man, an extra allowance over the pay in the army will be made, at the rate of fifteen cents a day. The voucher will be your own certificate that the whole is correct as stated.

You will engage in fulfilling this trust with as little delay as possible.

I have, &c., &c.,

THOS. L. McKENNEY.

To the Reverend ISAAC McCoy.

You are at liberty to engage, as assistants, trusty persons to act as chain-carriers, packers, &c., &c., the whole number not to exceed five or six; and their entire compensation not to exceed in all one hundred dollars a month. Far as practicable, you will furnish a description of the country through which you pass; its soil, productions,—animal, vegetable and mineral—and general face of it; also, a description of the inhabitants, as to the general size, civilization, habits, &c.

JOHN H. EATON.

WAR DEPARTMENT,
Office Indian Affairs, June 3, 1830.

SIR: I transmit to you the enclosed letter of the Second Auditor, in relation to certain provisions left in the hands of General Street, by the commissioners who negotiated the late treaties with the Indians at Prairie du Chien. In the disposition of these provisions, you will be governed by the directions of the Secretary of War, endorsed on the Auditor's letter, and account for them in the usual mode.

I am, &c., &c.,

THOS. L. McKENNEY.

To Gen. WILLIAM CLARK,

Superintendent Indian Affairs, &c.

The Reverend Mr. McCoy is good enough to take charge of a trunk belonging to the Osage Indians. You will please pay him the cost of transportation.

T. L. McK.

WAR DEPARTMENT, *June 4, 1830.*

SIR: I am directed by the President to say that it is important for you to be at your agency, in the Creek nation, at as early a period as possible. A crisis in Indian affairs is at hand, and it is desirable for you to be at your post, that the Indians, through you, may be informed as to their rights; wrong impressions made upon them corrected, and the interest of the Government taken care of.

It is not necessary that I say any thing to you on the subject of their removal, or of the probable advantages which may be expected to arise to them, by seeking a new residence beyond the limits of the States. Upon this subject, verbally, and in writing, they have been repeatedly instructed. If they shall persuade themselves that they can become citizens of Alabama, limitedly as the laws shall authorize, and continue prosperous and satisfied, then they will conclude to remain; but in doing so, they will bear in mind what has before been declared to them, that a submission, on their part, to those laws must take place, and that the President will have no power to prevent their operation. He has power to keep the white people from intruding upon them and settling on their lands, and this he will not fail to

regard. Beyond this he cannot go; he has no authority to forbid a State to regulate her own internal policy. This you will say to the Indians openly, that there may be no misunderstanding hereafter between them and the Government as to their rights, and the extent to which they can be maintained.

This language is to be held to them, that they may fairly comprehend, and be able to determine, what is demanded of them as matter of interest to themselves. Those who are satisfied to live under the laws of the State, will do so; others, who prefer to remove, will be removed by the Government free of expense, and be maintained at their new homes for one year, until by opening their farms, they shall be able to provide for their families. Say to them, if disposed to form a treaty with the Government upon this subject, terms liberal to them will be extended; their limits, beyond the Mississippi, will be enlarged to the extent of affording comfortable homes to each and every of them, and the whole surveyed, and plainly marked, so that each may understand where his country is, and thereby avoid interruptions and collisions with neighboring tribes.

As it is not the wish of the President to have those people removed in small and detached parcels, as heretofore has been the case; you will forbear to pursue that course any longer; and say to them, that further removals will cease until time and opportunity be afforded to ascertain what the sense of the nation is. After this, perhaps, in the fall or the coming spring, the Creek Agency must be removed west of the river, and discontinued at the place where it now is. Of this you will apprise the nation. The policy of the President being to inform them fully as to the whole subject matter, he desires such explanations, as to his course, to be made, that future misunderstandings may be prevented, and nothing of deception imputed. Speak to them in the language of friendship and sincerity. Tell them the Government will use no compulsion, no threats, no unkindness; that it prefers to leave them to their own free and voluntary action—to remain, or remove, accordingly as judgment and regard to their interest may direct. When they shall make their determination upon these subjects, you will inform this department. If the conclusion shall be taken to remove, the President, as the Creeks shall prefer, will either send confidential commissioners, or receive a delegation at some point most agreeable to them; and upon this subject you will keep me regularly advised. The President and myself will most likely go to Tennessee during the present month, and will be at Nashville until the 20th or 30th of August. If the chiefs shall desire to see him, a deputation might come there; but this will be unnecessary, unless they shall be disposed to make a treaty. If they are inclined to do this, then the expenses they shall incur, during their absence from home, will be paid. Upon this subject I will, in the event of his going to Tennessee, advise you particularly before leaving the city, and state the place and time, where and when, they can meet the President, if there shall be found a willingness on their part to come.

Very respectfully,

JOHN H. EATON.

To Col. JOHN CROWELL,
Agent to the Creek Indians.

WAR DEPARTMENT,
Office Indian Affairs, June 4, 1830.

SIR: I have received your letter of the 27th ult., and note its contents.

It will be proper to deposite the money drawn to defray the expense of the emigration of the Delawares in some safe place, to await the period when it may be required for that object. Under the prospects of their removal, I consider your having drawn for it proper. I very well know that delays are common among Indians; and that all their movements, as to time especially, are uncertain. You will take no steps to force the Delawares off.

Your proposed course of proceedings in regard to the appointment of Mr. McPherson is approved.

Very respectfully, &c.,

THOS. L. McKENNEY.

To Col. JOHN McELVAIN,
Indian Agent, &c.

WAR DEPARTMENT,
Office Indian Affairs, June 5, 1830.

SIR: The Rev. Isaac McCoy is charged by the executive with the duty of running and marking the lines called for by the treaty with the Delawares. You will instruct the agents who have charge of the Indians, owning the country over which Mr. McCoy will have occasion to travel, to inform them of Mr. McCoy's object; that he is under the protection of the United States, and to require their kind and friendly conduct towards him and his party.

I have, &c., &c.,

THOS. L. McKENNEY.

To General WM. CLARK,
Superintendent Indian Affairs, &c.

WAR DEPARTMENT,
Office Indian Affairs, June 7, 1830.

SIR: I am directed by the Secretary of War to inform you that the President has appointed you a joint commissioner, with James McCall and J. T. Mason, Secretary of Michigan Territory, to locate a district of country at Green Bay, and establish the boundaries thereof, for the accommodation and settlement of the New York Indians; that the time fixed for your arrival at Green Bay is on or about the first Monday in August next, and that your instructions will be forwarded, under cover, to Governor Cass, at Detroit, of whom, on your arrival there, you will receive them.

Mr. William B. Hunt, at Detroit, will be secretary to serve you in this capacity. Should he decline to act, let Mr. Samuel Beall, of Green Bay, be selected. If neither will act, you will select one.

Your compensation (as will be stated in your instructions) will be at the rate of eight dollars for every twenty miles' travel to and from your place of residence, the distance to be determined by the Secretary of War, and eight

dollars for every day you may be actually engaged in the duties of the trust assigned to you.

I have, &c., &c.,

THOS. L. McKENNEY.

To Gen. ERASTUS ROOT,
Commissioner, &c.

The same, as above, to James McCall, &c.;

To J. T. Mason, with the exception of the *last* paragraph in that to the latter, in place of which, the following was added thereto:

“The Secretary of War will consider your appointment as from Detroit, and your mileage will be estimated from that point. It will be at the rate of eight dollars for every twenty miles’ travel, and eight dollars for each day you may be actually engaged.”

WAR DEPARTMENT,

Office Indian Affairs, June 7, 1830.

SIR: I have the pleasure to inform you, that a requisition is issued in your favor, this day, for four thousand and three dollars and sixty cents, for the three hundred rifles made for Colonel Crowell’s agency, and the two fowling pieces for the two Creek boys; with a request that the same be remitted to you from the Treasury. I have discovered a fund, out of which I find it proper to recommend this payment; and as the remaining seven hundred rifles are shipped to Colonel Crowell, you can, by sending the bills of lading and policies of insurance, draw bills for the amount at sight. Let your bills be accompanied by the bills of lading and policies of insurance. I suggest that you draw bills on the Secretary of War, to save time in making remittance from here; as sometimes the warrants do not get as quick through the Treasury as you may expect them. This you know has been the case. But when a bill is accepted, it is noted through the bank as paid.

With regard to the rifles sent to Colonel Montgomery for the Cherokees, I will do all I can to ascertain if means can be any where found to pay you. The omission of Congress to make these appropriations has embarrassed us very much. But it would be unjust to leave you to suffer. On this subject you may expect to hear from me again, as soon as the means can be found.

Very respectfully, &c.,

THOS. L. McKENNEY.

To Mr. HENRY DERINGER,
Rifle Manufacturer, Philadelphia.

WAR DEPARTMENT,

Office Indian Affairs, June 8, 1830.

SIR: General Root and Mr. McCall, of the State of New York, and John T. Mason esqrs., Secretary of Michigan Territory, are appointed commissioners to locate a country at Green Bay, for the accommodation of the New York Indians. The time of meeting at Green Bay is fixed to be on or about the first Monday in August. I am directed by the Secretary of War to inform you that the President has appointed you secretary to this commission.

Your compensation will be at the rate of five dollars for every twenty miles' travel from and to your home, the distance to be decided by the Secretary of War; and five dollars a day for every day you may be engaged in the duties of secretary, after your arrival at Green Bay.

I have, &c., &c.,

THOS. L. McKENNEY.

To WILLIAM B. HUNT, Esq.,
Detroit.

WAR DEPARTMENT,

Office Indian Affairs, June 8, 1830.

SIR: Both the President and Secretary of War are solicitous by all the means in their power to promote the welfare of the Indians. At the bottom of every thing connected with their prosperity lies the education of their children. The Chickasaws know this. They have tasted, many of them, of the benefits of education, and know how to appreciate it; and will be happy, doubtless, to confer as far as they are able these great advantages upon their children. Both the President and Secretary of War believe they can do nothing better, with a part of their annuity, than to allot it for the education of their children. I know the Chickasaws want to educate some of their children among the whites. Suppose you say all this to them and ascertain if they will not allot, say three thousand dollars of their annuity, to be expended by the President in educating as many children as it will support at the Choctaw academy. That academy is under the control of the President, and all the children at it are doing well, and prospering equal to any at any other school in the country. If they will do this, you can retain the three thousand dollars, and inform the department of it, and you will be told where to deposite it; also how many children to send, of what ages, and when to send them.

I am, &c., &c.,

THOS. L. McKENNEY.

To Major BENJAMIN REYNOLDS,
Chickasaw Agent, now at Columbia, Ten.

WAR DEPARTMENT, *June 9, 1830.*

GENTLEMEN: The second article of a treaty made and concluded at the Butte des Morts, on Fox river, in the Territory of Michigan, between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States, and the Chippewa, and Menomonie, and Winnebago tribes of Indians, provides that a reference of a difficulty as set forth in said article, between the Menomonie and Winnebago, and the New York Indians, shall be referred to the President of the United States, whose decision in regard to it shall be final.

The difficulty referred to, consists in disputes between the two parties named, respecting the alleged purchase and sale of lands in the years 1821 and 1822. The New York Indians claim to have made bona fide purchases, and the Menomonies and Winnebagoes deny it, alleging their intention to have been only to grant permission to their brothers in New York, to sit down among them.

The Menomonies and Winnebagoes, in the second article of the treaty aforesaid, having given the right to the President to decide upon this controversy, and the right also to establish such boundaries between them and the New York Indians, as he may consider equitable and just; and the President esteeming it proper to waive any decision upon the question of the validity of those compacts of 1821 and 1822, has determined to accommodate the New York Indians, under the privilege given to him to do so, by locating a country, and establishing such boundaries between the parties, as may be equitable and just. That you may know the country purported to have been bought in 1821 and 1822, I enclose, herewith, extracts from the articles of agreement made at those periods, which define the alleged cessions.

The controversy hitherto existing between those Indians, as to what was, or what was not, purchased and sold in 1821 and 1822, may be assumed as settled in the treaty aforesaid, and in the authority vested in the President by the Menomonies and Winnebagoes, to act as umpire in establishing boundaries between them.

With a view to the execution of the trust confided to him, in the second article of the treaty aforesaid, the President of the United States hereby appoints you joint commissioners, to repair to Green Bay, and select a suitable country within the limits of that claimed and owned by the Menomonic and Winnebago Indians, and establish the boundaries of the same for the accommodation of the New York Indians. On your making the selection, and making to this department your report, with a map or drawing of the country which you may select, the President will approve or disapprove, as in his judgment he may esteem proper. If he approve, the limits that may be defined by you will be and remain the country, the right of and title to which will be in the New York Indians and their posterity; and upon which they will be protected by the laws made, or which may be made, establishing intercourse with the Indian tribes, and for preserving peace on the frontiers.

Two principal objects will present themselves to you, and these you will keep steadily in view. First, the providing a country and a home for the New York Indians that shall be acceptable to them in extent, and soil, and wood, and water, &c. Second, in consulting the views, and feelings, and condition of the Menomonies and Winnebagoes, who have generously given the permission to do so. It will be important that you harmonize these interests. It is not possible to direct you where to fix the boundaries, or what location to make, or what quantity of land to assign. In regard to quantity, however, it may be proper to remark, that justice to the Winnebagoes and Menomonies, and utility to the New York Indians, requires that no more be taken from the first, and given to the last, than will subserve the interests and promote the comfort and prosperity of the last. Indian tribes, in a hunter state, (and this is the state of the Winnebagoes and Menomonies,) require large tracts of country; whilst tribes whose condition is essentially agricultural, (and this is the condition of the new York Indians,) require a less extensive domain; indeed, to transfer them from fixed and reasonable agricultural limits, to boundless forests or extensive ranges, is at once to reconvert them from agriculturalists to hunters, and to undo all that instruction and necessity combined have accomplished, to lift them from the hunter to the agricultural state. It will be important, therefore, in fixing on the quantity of land for the possession and ownership of the New York Indians, to have an eye to

this two-fold principle of doing no injury to the hunters, by trenching too extensively upon their domain, and of benefitting the agricultural party.

The Indians, in the state of New York, number, it is believed, at this time, about 2,420; and they claim about 131,640 acres of lands, which is a little over fifty-four acres to each individual. This view is not given to govern you in limiting the New York Indians to a like quantity at Green Bay; for it would be proper, doubtless, to allow them a quantity fully adequate to all the demands which, as an *agricultural* people, they ought to possess. But it would be proper, in deciding upon the quantity, to guard against leading them, by an over quantity, to give up their present state of improvement, and return again to the roaming and hunter state. *This is particularly to be guarded against.*

You can judge of the location and boundaries only on a survey of the country; and on ascertaining the views, &c., of the parties interested in the subject. It is, however, of the highest importance that both parties should acquiesce, *so far as that may be possible*, in the boundaries that may be established between them.

You are referred, for the topography of the country, to the maps of the Michigan Territory; and for local information, to such sources as may be developed on your arrival at Green Bay, in your intercourse with those who may have the local information to impart.

I enclose, herewith, a copy of the treaty above referred to, which contains the object of the trust, the execution of which is referred to you.

Your compensation will be at the rate of eight dollars for every twenty miles of travel from and to your respective homes, the distance to be determined by the Secretary of War; and eight dollars for every day you may be engaged in the discharge of the duties of this commission, after your arrival at the seat of your operations; and this will be in full for your services. You will be allowed a secretary, whose compensation will be at the rate of five dollars a day for every twenty miles' travel, and five dollars a day for every day while engaged at the seat of your operations.

The amount appropriated to carry this object into effect, is five thousand dollars. This sum is in no case to be exceeded. The balance, after paying your accounts, and your secretary's, and an interpreter, and a surveyor, and a chain carrier, &c., should you find it necessary or expedient to employ them, you will distribute in useful goods, equally among the Menomonic and Winnebago Indians.

It is probable that a few of the chiefs of both tribes, and also a few of those of the New York bands, may desire to attend you in your examinations, &c. If so, you will allow to each, not exceeding five from the Menomonic and Winnebago tribes, and three from the New York Indians, now located at Green Bay, one dollar and fifty cents a day, to furnish them with supplies, &c. This will also form part of the cost, and be a charge against the appropriation of the \$5,000 aforesaid.

You will, in making up your returns, state your accounts so as to show the number of miles travelled, and the number of days you were engaged in the execution of the trust, and accompanying them with the original bills of purchases of such goods as you may distribute, and add to the accounts your certificate of their correctness.

The amount of the appropriation will be placed to your credit in the Branch Bank in New York, subject to your joint or separate orders as commissioners.

I have already called your attention to the great object of reconciling the tribes concerned in the lands you are entrusted to set apart for the accommodation of the New York Indians. Your attention is again called to that object.

The great object to be attained in this business, is harmony; it would not be sound policy to introduce a new and strange tribe near to the Winnebagoes and Menomonies, if any thing of heart burning shall be permitted to exist. Strife would be the consequence; and the New York Indians would become so dissatisfied, as to be deterred from a removal. It is matter of the first importance, therefore, in regulating the quantity of land to be given them, and particularly in *its location*, that you so arrange matters, as to preserve good and kind feelings amongst all the parties. The New York Indians are a weak and feeble tribe, peaceably disposed, and incapable to contend in war with the powerful tribes on the lakes. It would be cruelty in the Government to send them to a new home, where they would be under any feelings of dissatisfaction, and be subjected to danger. Hence, before the President can give his sanction to any arrangement to be made by you, he will require to be fully satisfied, that the important considerations here suggested are certainly obtained; and to effect these, care and caution must be regarded.

Very respectfully, &c.,

JOHN H. EATON.

To General ERASTUS ROOT,

JAMES MCCALL,

JOHN T. MASON,

Commissioners, &c.

WAR DEPARTMENT,

Office Indian Affairs, June 9, 1830.

SIR: The Secretary of War directs me to acknowledge the receipt of your letters, and their accompanying papers, of the 17th and 26th ultimo, and to inform you, that instructions have issued to General Atkinson, referring the movement which you recommended of a detachment of troops by him, from Jefferson barracks, to his discretion. In regard to the wish which the Sacs and Foxes express, to hold the council at Rocky Island, this is referred to you. If the bands interested wish it, and you think the objects of the pacification, and acquirement of the country proposed to be procured for a common hunting ground, would be promoted by it, the Secretary of War has no objection to the council being held there. Still, as it regards the supplies, these could be more easily furnished at the Prairie, since the arrangements relating to the council have been made with reference to that place.

You will discontinue the services of Capt. Warner. The Secretary will confer the appointment of sub-agent, in his place, upon some intelligent gentleman, to watch in future the various interests of that branch of the service. When appointed, he will report to you.

The requirement of the Sacs and Foxes, for something to cover their dead, being an Indian usage, you will respect and comply with, so far as presents to a reasonable amount will go. You have been authorized already to add to these, in my letter of 26th ultimo, \$2,000. Your bill for this, (in all \$5,000,) at sight, will be paid. It will be on account of contingencies,

Indian Department. It is hoped this increase may be more than sufficient for *all* objects. Economy in this arrangement is expected from you.

The President and Secretary of War are both deeply solicitous for the peace and harmony of these unfortunate people, and for their future welfare; and great reliance is placed on your exertions to stay the shedding of more blood, to heal their divisions, and to provide for a lasting peace, by the acquisition of a country in the west, under the instructions of the 5th April last.

There is no objection to your purchasing, subject to ratification, &c., as usual, the mineral country, called Dubuque's mines, as it will be the means, not only of possessing the country of those valuable mineral regions, upon which our people are constantly intruding, but of throwing the Sacs and Foxes back from the border of the Mississippi, and from the means of supplying themselves with whiskey, by their proximity to the whites, who go up and down the river.

The entire subject of the pacification, and of providing a country for these people to hunt on, and the purchase of the mines, is referred to you, and to the commanding officer at Prairie du Chien, to whom the instructions were first issued.

I have, &c., &c.,

THOS. L. McKENNEY.

To General WILLIAM CLARK,

Sup't Indian Affairs, &c.

WAR DEPARTMENT,

Office Indian Affairs, June 9, 1830.

SIR: I am directed, by the Secretary of War, to inform you that the President has concluded it proper to suspend the present mode of enrolling and sending off emigrants in small parties, as heretofore.

The removal of the Cherokees, and the advantages which would result to them from it, are so obvious, and have been so often explained, as to need no further efforts to make it better understood, at least in the way in which it has been done in the past. If they, as a people, think it for their interests to remain in the States within whose limits they are, and be subject to the laws of those States, the consequences, whatever these may be, following their own choice, will be chargeable to nobody but themselves. But it is made your special duty to inform the Cherokees, not their chiefs only, but the people, and in such mode as you may think proper to adopt, which shall be the most likely to make the information general, that the President, having no power to interfere, and oppose the exercise of the sovereignty of any State, over and upon all who may be within the limits of any State, they will prepare themselves to abide the issue of such new relations without any hope that he will interfere. But assure them, at the same time, that such power as the laws give him for their protection, shall be executed for their benefit; and this will not fail to be exercised in keeping out intruders. Beyond this he cannot go. It is important that there should be no misunderstanding on the subject. Intruders will be kept out; but the States will not be interfered with by the President in exercising their laws over them. Such, therefore, as will be satisfied to remain under these State laws, will, if they choose, remain; others, who prefer to remove, can do so; and these

will be supported by the Government in their removal, free of any expense to them, and have a full and just value paid for such improvements as they may leave, that add real value to the soil; and maintained for one year after their arrival in the west, by which time they will have prepared for the support of themselves and families. You can further say to them, if they are disposed to treat with the General Government, that liberal terms will be extended to them. Their limits beyond the Mississippi shall be enlarged, and all things done for their protection, and guidance, and improvement, which the President may have the power to do. Their limits in the west shall be surveyed and marked, so as to avoid any difficulty arising out of a confusion of lines between them and neighboring tribes.

This suspension of present operations is designed to afford the Cherokees an opportunity to ponder on their present situation; and to deliberate, calmly, as to what is best for them to do. The President is their friend. He seeks not to oppress or drive them. He feels for them as a father feels for his children, and is deeply solicitous for their welfare. It is probable that, in the fall, or the spring following, they may be prepared to act with intelligence in this great matter.

The President wishes the Cherokees to be fully informed upon all the points connected with their pending and future relations. He will not deceive them; and he wishes that no misunderstanding should exist between the Cherokees and himself, or between them and you. Speak to them as their friend, and with all the sincerity of a friend. Use no threats; exercise no unkindness. If they stay, it will be of their own free will also. There will be employed no force any way, but the force of reason, and parental counsel, unless it shall be to protect them in removing.

When the Cherokees shall have finally determined what course they will pursue, you will inform the department. If the whole, or the great body of the nation determine to remove, the President will send to them a confidential commissioner, who will receive a delegation at some convenient place, and one that will be most agreeable to them.

The President and Secretary of War will probably visit Tennessee in all this month, they will have reached Nashville by the 20th or 30th of July. If the chiefs or principal men of the nation desire to see the President upon the important matters which concern them, he will gladly see them, and frankly and parentally communicate with them in person there. But if they cannot go willingly, and prepared with *full powers* to make a treaty for a removal, it will not be necessary for them to go; since, in that way only can he assist them, promote their welfare, and establish their future prosperity. If the chiefs shall come with this determination, all their necessary expenses will be borne.

You will discontinue the agency of Messrs. Bridges and Hunter, after they shall have valued what improvements may remain to be valued, and those of the issuing agent, after the supplies are disposed of to such Indians as may be in *transitu*; and after you shall have disposed, to the best advantage, of what supplies and other matters may remain on hand; and have their accounts, and all other accounts, brought to a close immediately, and forward them to the department.

Very respectfully, &c.,

THOS L. McKENNEY.

To Col. HUGH MONTGOMERY, *Cherokee Agent, &c.*

WAR DEPARTMENT,
Office Indian Affairs, June 10, 1830.

SIR: The account heretofore rendered by you, as commissioner for purchasing such reservations of land as are yet claimed by Indians in North Carolina, has been acted on by the Secretary of War, and after making an allowance to you for legal services of one hundred and twenty-six dollars, (total allowance, eight hundred dollars,) leaves a balance due to the United States unexpended, in your hands, of three hundred and twenty-one dollars. This sum you are requested to deposite in the branch of the United States' Bank most convenient to you, to the credit of the Treasurer of the United States, to refund the appropriation per act of 2d March, 1829, "for the purchasing of such reservations of land as are yet claimed by Indians in the state of North Carolina," and transmit to the War Department duplicate receipts of such deposite.

Your account will be transmitted from this office to that of the Second Auditor, for final settlement, with the certificate of deposite when received, to close the same.

Very respectfully, &c.,

THOS. L. McKENNEY.

To Gen. R. M. SAUNDERS.

WAR DEPARTMENT,
Office Indian Affairs, June 10, 1830.

SIR: I have received your letter of the 9th instant, with the account for two hundred rifles, for Colonel Crowell, the bill of lading, and policy of insurance. This account, amounting to two thousand six hundred and fifty-two dollars, will be recommended for payment, to be transmitted to you in the same way as the cost of the three hundred rifles, of which you were advised on the 7th instant.

It is very much to be regretted, that the Congress closed its session without making the appropriation required to carry into effect treaty stipulations; and the more so, as it is not in the power of the Secretary of War to apply any means for the payment of the five hundred rifles, shipped by you to Colonel Montgomery for the Cherokees, from appropriations made for other objects. These rifles may be required for Indians yet to emigrate, in which case there will be funds to pay for them.

Your claim for the rifles furnished to Colonel Montgomery according to order, and which amounts to the sum of six thousand six hundred dollars, is just and binding on the United States, and will without doubt be provided for. And this assurance you are at liberty to use as the basis of a credit meanwhile, and until funds are provided by Congress.

Very respectfully, &c.,

THOS. L. McKENNEY.

To Mr. HENRY DERINGER,
Rifle Manufacturer, Philadelphia.

WAR DEPARTMENT,

Office Indian Affairs, June 11, 1830.

DEAR SIR: I cannot mistake your object in forwarding to the department two of your papers of the 8th inst., one to the Secretary of War, and the other to myself. It was, I doubt not, to put it in my power, if the allegations contained in it, in a letter from Arkansas, implicating the Government faith which has been pledged to the Cherokees of Arkansas by treaty, are unfounded, to make it appear so, and by so doing, put it in your power to make truth triumph over error. This I am happy in being able to do.

The writer of the letter from Arkansas implicates the Government upon two points: First, for having failed to comply with the terms of the treaty, (of 6th May, 1828,) which stipulates for the payment of fifty thousand dollars to the Cherokees. Second, for neglecting to supply the means to redeem certificates held by the Indians, of the value of the property abandoned by them.

That part of the 5th article of the treaty relating to these fifty thousand dollars, reads thus: "It is further agreed, that the United States, in consideration of the inconvenience and trouble attending the removal, &c., &c., will pay to the Cherokees immediately after their removal, which (their removal) *shall be within* fourteen months of the date of this agreement, the sum of fifty thousand dollars."

The letter writer from Arkansas states, "two years have passed since the treaty was made with the emigrating Cherokee Indians, and a pledge was then given by the Government to pay them fifty thousand dollars, on their complying with the terms of the treaty. This has been fully done on the part of the Indians, but the Government has not as yet paid the money."

I proceed to show that the Indians having failed to comply with the stipulation of the treaty, which binds them to remove in *fourteen months* from the date of the treaty, are not entitled to receive *any* thing *conditioned* on their doing so. They have no legal right to receive these fifty thousand dollars, unless they should remove within fourteen months after the date of the treaty. But did they so remove? Major Duval, their agent, under date of 1st December, 1829, that is, *nineteen* months after the date of the treaty, or *five* months after the period stipulated for their removal, wrote thus:

"The detention of the Register," (the Register of the valuation of their improvements with which their "certificates" are connected,) "since the period above mentioned, arose from different causes. A party of Cherokees, (between fifteen and twenty families,) who resided in the vicinity of this agency, and who were dissatisfied with the treaty, instead of removing, when they left their late improvements to their newly acquired lands, settled on the waters of White river, within the limits of their cession to the United States. I held several talks with the head-men of the party and used every persuasive means within my power to induce them to go to their own lands, without effect. Finally, I thought it would be good policy to say to Mr. Jolly and the other principal chiefs of the nation, that unless they, either by a proper exercise of their authority, or by friendly advice, should prevail on them to remove beyond the territorial boundary, they could not expect to receive pay for any of their improvements. In consequence of this, a messenger, I am informed, was despatched to the mal-contents by a

recent council, and that they have all determined to remove; some immediately, and the remainder early next spring."

Since the receipt of the above, there has been no *official* information, notwithstanding they had then "determined to remove, some immediately, and the remainder next (this) spring," of their having done so to this day.

Thus it appears that the Indians having failed to remove within "fourteen months," as stipulated in the treaty, are not entitled, under the treaty, to receive the sum of money which was payable only on the condition of their removal within the period stipulated; and although there is no intention to be thus scrupulously exact where Indians are concerned, it will strike you as being at least *reasonable*, that before I recommend a remittance to fulfil this provision of the treaty, it should be officially made known that the Indians had at last, though out of time, complied with their part of the obligation. So much for the first implication.

In regard to the second: the money for their improvements could not be remitted to redeem the certificates, until a report should be made of the names of the claimants, and the amount due. This report was signed in Arkansas on the first day of December last. I do not remember when it reached here. But the scramble among traders for these certificates was understood to be such as to require great caution, on the part of the department here, to keep the Indians from being cheated out of them. Caution became necessary, and the attendant *delay indispensable*. Information being received that those who hover about these Indians, more in the character of birds of prey than of ministers of mercy, with articles of clothing and other little necessities, among which whiskey may be enumerated as a leading article, it was determined by the department, certainly in no bad faith to the Indians, that the money should not be paid (except in cases where there was reason to believe the Indians had been fairly dealt by) to the holders of these certificates, but to the *Indians themselves*. The moment the agent appointed to reside among these Cherokees shall reach his agency, the money to redeem these certificates will be forwarded with the above instructions, as will the fifty thousand dollars, if he shall report the Indians to have all removed, though they have long since, as has been shown, forfeited all claim to a fulfilment, on the part of the United States, of this provision of the treaty.

Thus it is seen upon what flimsy pretexts the charge of "*mala fides*" can be made; and how easy it is, upon the mere assertion of it, to sport with the public confidence, and trifle with the best feelings of our nature.

I shall be excused, I am sure, for closing this hurried communication, (which I find I shall have to have copied before you can read it,) by the expression of my firm conviction that in no instance since I have watched the movements of public affairs, have I beheld a more thoroughly mistaken feeling than is that which has been awakened "*in behalf*," as it is claimed to be, of our Indians. I am one of those who believe that not their repose only, but their existence as a people, *depends* on their removal. If I know myself, I am sincere in this belief. I have seen it with my own eyes, and heard with my ears. I know the condition of these people, generally, in the abstract, and they can never recover from it where they are; but when to this is superadded causes which I need not enumerate, and which no power short of that which is Almighty can control, unless indeed it be deemed proper to break up the frame of our Government and abandon all that is dear in our system, I look upon their doom (unless they will con-

sent to remove) as certain. Do not mistake me. I do not mean by this that the bayonet is to be employed; or, so far as the executive action may go, a single grain of power is to be used to force them away, or to crush them. No: for this, as time will disclose to you, and to the world, is not to be. But their doom will be sealed—pardon me, but it is true—by those, not designedly I know, who claim to be their friends! And how, you will ask, is this to be effected? I answer, by *misleading the Indians*. The policy they advocate for them is not adapted to their habits, or to the state of their improvement. And the effect will be the same as would be the effects of that super-humanity which, shuddering at the exposure of the lion to the horrors of his desert, or of the birds of heaven to storms and tempests, should prevail upon the one to come within the limits of a cage, and the other to come down and take shelter with the rats and cats of our habitations. We shall see. Think not I consider those in any unfriendly light who differ with me in this great matter. I must believe they are honest. But I have *seen* too much of the Indian character and habits, and the effects of existing relations upon him, and the evils that grow of them, not to know that they are *mistaken*, as I presume I have shown your Arkansas correspondent to have been.

Very respectfully, &c., &c.,

THOS. L. McKENNEY.

To Colonel STONE,

Editor of the Commercial Advertiser. &c., &c.

WAR DEPARTMENT,

Office Indian Affairs, June 14, 1830.

SIR: A requisition is issued in your favor on the Treasury Department, on which a remittance of \$5,000 will be made to you, to be placed in the Branch Bank at New-York, to the credit of Erastus Root, James McCall and John T. Mason, esqs., commissioners, &c., and held subject to their joint or separate orders, as commissioners. You are, therefore, requested, when the remittance is received by you, to place the amount to the credit of said commissioners, and hold it subject to their orders accordingly.

Very respectfully, &c.,

THOS. L. McKENNEY.

To the CASHIER

Of the Branch Bank of the United States, New York.

[CIRCULAR.]

WAR DEPARTMENT,

Office Indian Affairs, June 18, 1830.

SIR: The Secretary of War directs, that in future, the annuities transmitted for the Indians of your superintendency, be distributed among the chiefs, warriors, and common Indians, paying to each Indian and his family the

amount to which he or they may be entitled in proportion to his grade, and in no other mode; and where there are individuals without families, payment must be made to such individuals, and not to the chiefs. You will accordingly give the necessary instructions to the several agents within your superintendency, to carry this order into effect.

I am, &c. &c.

THOS. L. McKENNEY.

To General WM. CLARK,
His Excellency LEWIS CASS,
His Excellency WM. P. DUVAL.

WAR DEPARTMENT,
Office Indian Affairs, June 19, 1830.

SIR: Your letter of the 4th inst., enclosing the petition of John P. Smith, setting forth his claim for the value of three improvements in the Chickasaw nation, belonging to Joshua Fletcher, &c., is received.

A remittance was made, in 1822, to Colonel Nicholas, then agent to the Chickasaws, to pay for the improvements of Joshua Fletcher and two other persons, reported by him to be due under the treaty of 1818, amounting, together, to one thousand eight hundred and ninety-two dollars. It being afterwards reported by Major Smith, the successor of Colonel Nicholas, that these improvements had not been paid for by the colonel, a remittance of the same sum, to wit, one thousand eight hundred and ninety-two dollars, was made in August, 1824, to Major Smith to be applied to the payment of said claims, and which it was presumed had been long since so applied. These three claims were the only claims for improvements reported to be then due, by the agents, and the impression was, until the receipt of your letter, that all the claims for improvements had been settled. If any in fact remain to be settled, the proper course to bring them before the department is through the agent. I therefore, return the petition of Mr. Smith, to be submitted to Major Reynolds, the present agent, for his report in relation to the two claims, which, it is alleged, remain unpaid. As soon as his report is received, the claims will be considered.

I am, &c., &c.,

THOS. L. McKENNEY.

To HUGH W. WORMELEY, Esq.
Mount Pleasant, Maury County Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, 23d June, 1830.

SIR: In the absence of Colonel McKenney, I have to acknowledge the receipt of your letter to him of the 11th instant.

As your letter did not reach here until after the Secretary of War, (who alone has the authority of the President to draw the interest accruing on the Seneca stock,) had left Washington, no remittance can be made as requested by you, for the payment of the interest due on said stock, until the 1st October next, when the interest for one year will be due. There is

at this time but two quarters actually due, amounting to one thousand six hundred ninety-two dollars and eighty cents. This sum might have been remitted had your letter arrived before the departure of the Secretary.

The subject of the Seneca stock was submitted by the President to the consideration of Congress at the last session, and I am under the impression that a bill was reported, at a late period of the session, to give the Seneca Indians the round sum of six thousand dollars, annually, in lieu of interest; but which was not finally acted upon. Should the subject be taken up, and finally acted upon, at the next session, as it probably will be, a favorable result for the Indians, it is believed, may be anticipated.

I am, &c., &c.,

SAML. S. HAMILTON.

To JUSTUS INGERSOLL, Esq.,

Sup't Six Nations, Medina, New York.

WAR DEPARTMENT, 26th June, 1830.

SIR: An order has this day been issued to the officer commanding the United States' troops in the Cherokee nation, directing him, until further orders, to prevent *all persons* from working the mines, or searching for and carrying away gold or silver, or either metal, from the Cherokee nation. In accordance with the above order, you will aid the commanding officer in the execution of the task assigned him, by any means which may appear advisable to promote the object desired.

In this delicate crisis, it is imperiously necessary that you should exercise a sound discretion, and that the most pacific and conciliatory measures should be first appealed to; and under no circumstances to resort to coercive measures, until that resort can be no longer avoided.

You will advise the Secretary of War, at Nashville, Tennessee, of the steps taken in execution of the duty assigned to you.

I am, very respectfully, &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To Colonel HUGH MONTGOMERY,

Cherokee Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, July 1, 1830.

SIR: The enclosed letter, from Charles Lewis, esq., of June 16, 1830, relating to certain Indian reservations, under the treaties with the Cherokees of 1817 and 1819, is referred to you, to be acted upon in such way as may, in your judgment, appear to be proper and necessary to adjust, satisfactorily, the difficulties referred to in said letter in regard to them.

I am, &c., &c.,

S. S. HAMILTON.

To Col. HUGH MONTGOMERY,

Cherokee Agent, &c.

WAR DEPARTMENT,
Office Indian Affairs, July 7, 1830.

SIR: I am directed to acknowledge the receipt of your letter of the 25th ult., and to refer you to the letter of Col. McKenney of the 9th ult., written to you by direction of the Secretary of War, for the views of the Executive on the subject of emigration, and other points relating to the Cherokee Indians, which is all the answer that is considered necessary to be given to you for the present.

The suspension of emigration renders, of course, a decision at this time, on the application of John Miller, unnecessary. In regard to the course pursued by the Cherokee deputation, since their return, you will probably soon have an opportunity of communicating with the President and Secretary of War, in person.

I am, &c., &c.,

S. S. HAMILTON.

To Col. HUGH MONTGOMERY,
Cherokee Agent, &c.

WAR DEPARTMENT, 12th July, 1830.

SIR: As none of the commissioners appointed to adjust the Indian boundaries in the vicinity of Green Bay, except General Root, have notified the department of their acceptance of said appointment, the money to defray the expenses of their commission has not, of course, been placed to their credit in the Branch Bank at New York, as they were informed it would be in their general instructions. Considering it advisable not to delay any longer, on this account, the placing of funds at the disposal of the commissioners; and as the most convenient mode of doing so, they are authorized, through you, to draw on this department for such sum as they may consider necessary for the expenses of their commission, not exceeding, however, \$5,000, which is the amount appropriated for this object. As a means of security against imposition, and to prevent any other difficulty, I have to request you will endorse your approval on the draft, which so endorsed, will be paid when presented at the department.

I am, &c., &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To his Excellency LEWIS CASS, *Detroit.*

WAR DEPARTMENT,
Office Indian Affairs, 30th July, 1830.

GENTLEMEN: Your letter to the Secretary of War, dated 11th instant, at Prairie du Chien, giving an account of your proceedings in the council at that place, and of their conclusion upon one of the points submitted to you, is received, and your success in staying a further effusion of blood, and of giving peace to the frontiers, is very gratifying. It is hoped that you may

be equally successful in securing a country for a common hunting ground for the Indians in that quarter; and thus lay deep the foundations of a peace that shall be permanent between those who now, for the want of such neutral ground, so frequently come into collision, and shed each other's blood.

I have the honor to be,

Very respectfully, sir,

Your obedient servant,

THOS. L. McKENNEY.

To General WILLIAM CLARK, and
Colonel WILLOUGHBY MORGAN.

WAR DEPARTMENT,
Office Indian Affairs, 4th August, 1830.

DEAR SIR: I have just received your despatch of the 23d ultimo, enclosing the bonds P. L. Chouteau and R. W. Cummins, and detailing your proceedings, and the success attending them, at the recent treaty of pacification at Prairie du Chien.

I highly approve, as I doubt not the Executive will, when informed of them, of all your proceedings, and rejoice in the reflection that so much bloodshed has been prevented, as threatened to drench the lands of the unhappy combatants of the northwest, at so small a cost.

It was highly proper to defer the purchase of the lead mines, and to invite a meeting of the Yankton bands of Sioux, and the Sacs and Foxes, at St. Louis. I see in your movements, in this important crisis, every thing to confirm all my previous opinions of your thorough acquaintance with the Indian character, and the just influence you have acquired over all the tribes of that region.

I have the honor, &c., &c.,

THOS. L. McKENNEY.

To Gen. WILLIAM CLARK,
Sup. Indian Affairs, St. Louis, Mo.

I have submitted the bonds to the Acting Secretary of War. When informed of their approval, the agent's commissions will be forwarded.

WAR DEPARTMENT,
Office Indian Affairs, 6th August, 1830.

SIR: Your letter of the 19th ultimo, to the Secretary of War, with its enclosures, has been received. It appears from these that the amount of property or improvements, abandoned by the emigrant Cherokees, as valued by the agents appointed for that purpose, is forty-three thousand two hundred forty-seven dollars and fifty-three cents; that you have *accepted*, to pay on account of this valuation, ten thousand nine hundred ninety-one dollars and forty-eight cents; and that thirty-two thousand two hundred fifty-six dollars and five cents remain to be paid to the emigrants in Arkansas.

The amount appropriated to pay for these improvements, is seven thousand dollars, of which, three thousand eighty-four dollars and forty cents have been drawn for the use of those in Arkansas, leaving three thousand nine hundred fifteen dollars and sixty cents; and this is all that is at the disposal of the Executive, at present, for this object. This sum was appropriated in 1828 and 1829—two thousand dollars in the first year, and five thousand dollars the next, upon estimate; and in 1830, having received the data, I submitted to the Secretary of War the balance, according to that data, which was required, to wit, thirty-one thousand one hundred one dollars and sixty-two cents, and he laid it before the Committee of Ways and Means, but it was not acted on.

It is possible, but for this I cannot vouch, that on the return of the President ways and means may be found to redeem this obligation of a treaty stipulation from some existing appropriation. I know if there be any unexhausted, that can be legally applied, it will be. But of this the Executive will judge. Meanwhile the balance of the seven thousand dollars can be drawn for, or remitted, as you may think best.

Your ration account for four thousand one hundred and twenty-five dollars is closed, by your bills for that amount on the department. You report four hundred and twenty-five dollars as being due on account of expense of emigration. This can be paid to your order, or remitted, as you may request. You report five thousand fifty-eight dollars and thirty-five cents to be due as compensation for appraisers, and for the issuing agent, and on account of the transportation of goods from Augusta, and for removing emigrants. You have received on these accounts, or some of them, one thousand three hundred thirty-three dollars and thirty-three cents out of the appropriation for these objects. You do not say, in your account, whether the five thousand fifty-eight dollars and thirty-five cents is the total due, or the balance. There are means applicable, also, to these objects, and can be remitted, or drawn for, as desired.

There is due to emigrants from Georgia, as reported by you, three thousand four hundred and sixty dollars for three hundred and forty-six persons. This is payable in Arkansas, and there being means to meet the demand, the agent will doubtless draw for this sum, and apply it.

It will be necessary for you, in making your returns, to accompany them with all the vouchers complete, that the settlement may be made at the Treasury.

Your contract for boats will have to be fulfilled; and your purchase of a boat at fifteen dollars, under the circumstances of the case, is approved. When you receive the boats, draw your bills for the cost, and put them in some place of safe keeping.

I am, &c., &c.,

THOS. L. McKENNEY.

To Col. HUGH MONTGOMERY,
Cherokee Agent, &c.

WAR DEPARTMENT,
Office Indian Affairs, 6th August, 1830.

SIR: A communication, from his Excellency Gov. Pope, has been addressed to the Secretary of War on the subject of Indian intrusions, and urging upon the department the necessity of adopting measures to prevent them. I am directed by the Acting Secretary of War to call your special attention to this subject; and, as the peace and welfare of the Indians are concerned in keeping thee within their own territory, you will make this appear to them, and enforce upon them, by your counsels, the importance to themselves of regarding your counsels.

It has been further made known to the Secretary of War, from another source, that great evils exist among the Cherokee Indians, on account of the introduction into their country of spirituous liquors, by traders. This subject I am directed to call your special attention to, also; and to enjoin it upon you to use all lawful means to arrest and put down this traffic. It is further reported that Indians themselves engage in this traffic. Your discretion, in such instances, will be exercised in inducing them to abandon the practice. It is believed, when this is the case, the Indian is made the instrument of some trader's cupidity. There should be left no means untried to ferret out and punish those who, for the sake of gain, wish to involve the happiness and lives of their fellow beings.

Very respectfully, &c.,

THOS. L. McKENNEY.

To the CHEROKEE AGENT,
West of the Mississippi.

WAR DEPARTMENT,
Office Indian Affairs, 6th August, 1830.

SIR: I wrote to you, on the 14th June, that the sum of five thousand dollars would be remitted to you from the Treasury of the United States, and requested that the same should be placed to the credit of General Root, and Messrs. McCall and Mason, and paid to their joint or separate order, as commissioners. Another disposition having since been made of this sum, I have thought it proper to notify you accordingly.

Very respectfully, &c.,

THOS. L. McKENNEY.

To the CASHIER OF THE BRANCH BANK
Of the United States, at New York.

WAR DEPARTMENT,
Office Indian Affairs, August 7, 1830.

GENTLEMEN: The draft of General Root and others, on the Secretary of War, for \$2,500, transmitted in your letter of 5th instant, has been accepted by the Acting Secretary of War, to be remitted according to your request.

Very respectfully, &c.,

THOS. L. McKENNEY.

To Messrs. JOHN WARD and Co., *New York.*

WAR DEPARTMENT, *August 17, 1830.*

SIR: The alteration in the mode of making remittances to the disbursing agent of the Indian Department, suggested in your letter of the 7th instant, is, on due consideration, adopted.

But as it will require some time to communicate the alteration to the several superintendents and agents, and for them to prepare and send in estimates in conformity thereto, it will not be considered as taking effect until from and after the 1st of January next; which will also give time sufficient to prepare and place in the hands of the disbursing officers of the Indian Department the forms and instructions which you propose to report to this Department to be issued to them.

I am, very respectfully, &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To JAMES B. THORNTON, Esq.,

Second Comptroller.

[CIRCULAR.]

WAR DEPARTMENT,

Office Indian Affairs, August 18, 1830,

SIR: The alteration in the mode of making remittances to the disbursing officers of the Indian Department, which is contained in the enclosed extract of a letter from the Second Comptroller, has been approved by the Acting Secretary of War, to take effect from and after the 1st of January next; and I am directed by him to communicate the alteration to you, for your government, and that of the disbursing officers within your superintendency, to whom you will give the necessary instructions to carry the same into effect.

The estimates required will be made to you quarter-yearly, to be transmitted, after your examination and approval, to the Department of War, for its action thereon. In order that the remittances for the annuities may be correctly made, the agents should be required to include all the annuities, properly payable through their respective agencies, in their estimates for the first quarter of each year.

The usual estimates for the service of the ensuing year, having been required by the Acting Secretary of War to be submitted by the 20th of October next, I will thank you to forward, as soon as practicable, your general estimate for 1831, which is necessary to comply satisfactorily with said requisition.

Very respectfully, &c.,

S. S. HAMILTON.

To SUPERINTENDENTS AND AGENTS

Of Indian Affairs.

WAR DEPARTMENT,
Office Indian Affairs, August 20, 1830.

SIR: Your letter of the 14th inst. is received. I have submitted it to the Acting Secretary of War, who has directed me to say to you, in reply, that there is no objection to your accompanying the Delawares to the West, as you propose, provided that no expense, beyond the amount in your hands, applicable to their removal, &c., is incurred; and, provided also, you can leave the agency a sufficient time for this purpose, without injury to the public service. You can therefore, with these restrictions, make your arrangements for the removal of these Indians, and to accompany them as far on their journey as you may, in your discretion, esteem necessary and proper to do so, taking special care, however, to limit the expenses as above stated. You will report to the department your time of departure, and the number of the Delawares who may remove.

I am, &c., &c.,

S. S. HAMILTON.

To Col. JOHN McELVAIN,
Indian Agent, &c.

DEPARTMENT OF
AMERICAN ETHNOLOGY.

WAR DEPARTMENT,
Office Indian Affairs, August 20, 1830.

SIR: Your bill, dated the 13th instant, for three thousand three hundred and thirteen dollars, the amount due to you, for two hundred and fifty rifles, shipped to Colonel Crowell, for Creek emigrants, has been accepted and will be paid.

I am directed to inform you, that no more bills, on account of rifles, can be accepted; and you will, of course, not draw any more on the department, until you are advised that there are funds to pay them.

I am, &c., &c.,

S. S. HAMILTON.

To Mr. HENRY DERENGER,
Rifle Manufacturer, Philadelphia.

WAR DEPARTMENT, *September 2, 1830.*

FRIEND AND BROTHER: Your letter, of the 2d ult., to your great father, the President, complaining that you have received no part of the annuity of six thousand dollars, heretofore paid to you, for the year 1829, and that you have been informed that no more than two thousand five hundred dollars will be paid to you for that year, and no more than three thousand dollars for the present year, was duly received by him, and referred to his department to be answered.

In giving you an answer, it will be necessary to state, what you are, doubtless, already apprized of, that the annuity about which you complain, and on account of which you have heretofore, and until 1829, received annually six thousand dollars, is not provided for by any treaty between the

United States and your nation, but that the same has been paid to you on account of the interest annually accruing upon the sum of one hundred thousand dollars vested in stock of the late Bank of the United States, by Robert Morris, and held in the name of the President of the United States, for the use of your nation, according to a contract made between your nation and said Morris, the 15th of September, 1797.

Soon after your great father, the President, took charge of the affairs of this nation, his attention was, among other things, called to the situation of your stock, and, on examination, it was found that, although the stock some years ago yielded an interest fully equal to the annual sum of six thousand dollars, it had of late years not yielded near so much; and that for the year 1829, it would only yield the sum of three thousand three hundred and eighty-five dollars and sixty cents. This sum was, therefore, all that your great father had it in his power to pay to you for that year, (he not considering himself as authorized, without the sanction of Congress, to make up the difference between this sum and six thousand dollars, from the United States' Treasury,) and this sum was remitted to your agent to be paid to you, with directions to explain to you why it was so much less now than formerly, and inform you that no more than the actual annual proceeds of the stock, whatever that might be, could be paid to you in future, without the authority of Congress.

Your great father, the President, anxious to prevent any disappointment or uneasiness on the part of your nation, at receiving so much less on account of your stock than formerly, and feeling desirous of giving to your nation a mark of his respect and friendship, submitted the subject to Congress at the last session, and a bill was reported to pay to you the fixed sum of six thousand dollars annually, in lieu of the interest on your stock, but the bill was not finally acted upon. The subject will, no doubt, be presented again to Congress at the next session, when a hope is entertained that a law will be passed to enable your great father to pay you that sum annually, in future. You will see in these proceedings of your great father, the friendly disposition he has for your nation, and that he has so far done all that he could do for you on the subject.

Your agent will be directed to pay you the sum of three thousand three hundred and eighty-five dollars and sixty cents, remitted to him for the last year, if he has not already done so; and on the 1st of next month a further sum of three thousand three hundred and eighty-five dollars and sixty cents will be remitted to him, to pay you for this year. These payments, it is hoped, will satisfy your wants, until the decision of Congress can be had on the subject of your stock; in the meantime, you may rely with confidence on the friendship of your great father, the President, and his disposition at all times to afford you such relief, in your necessities, as may be in his power.

Your friend and brother,

P. G. RANDOLPH,
Acting Secretary of War.

TO JOHN OBAIL, or CORN PLANTER,
Head Chief of the Seneca Nation, Kenzua, Pennsylvania.

WAR DEPARTMENT, *September 3, 1830.*

SIR: Your bill, dated 20th July, in favor of John Nauson, for 500 dollars for expenses of outfit and other costs of surveying and marking lands as-

signed to the Delaware Indians, has been presented; and was accepted, and paid from the contingencies of the Indian Department, there having been no appropriation made at the last session for the Delaware treaty. The appropriation for contingencies is not in a state to admit of any more extra drafts upon it. I have therefore to request that you will not draw again on the department, unless it should be absolutely necessary to enable you to proceed in the execution of the duty assigned you; in which event, only, you will draw, and then make your drafts payable on the passage of an appropriation to carry into effect the Delaware treaty of 24th September, 1829, at the next session of Congress. To enable the department to obtain an adequate appropriation for that purpose, it will be necessary that your report of the survey, and returns for the expense attending it, be transmitted to this department as soon after the survey is completed as practicable.

I am, &c., &c.,

P. G. RANDOLPH,
Acting Secretary of War.

To the Rev. ISAAC McCoy,
Surveyor, &c.

WAR DEPARTMENT,
Office Indian Affairs, September 3, 1830.

SIR: I enclose, herewith, by the direction of the Acting Secretary of War, a copy of a letter from Corn Planter, head chief of the Senecas, to the President, and a copy of the answer thereto, for your information and government.

If the \$3,385 60, remitted to you last year on account of interest on the Seneca stock, has not been paid, as is to be inferred from the letter of Corn Planter, I am directed to instruct you to pay it, and report the reasons for the delay.

I am, &c., &c.,

SAMUEL S. HAMILTON

To JUSTUS INGERSOLL, Esquire,
Sup't of Indian Affairs for the Six Nations, Medina, N. Y.

WAR DEPARTMENT, *September 3, 1830.*

SIR: Colonel John Campbell having been appointed, on the 10th ultimo, sub-agent for the Creeks west of the Mississippi, you will, immediately on the receipt of this, dispense with the services of John L. Blake, who has been acting as sub-agent for these Indians under your authority.

I am, very respectfully, &c.,

P. G. RANDOLPH,
Acting Secretary of War.

To Colonel JOHN CROWELL,
Indian Agent, &c.

WAR DEPARTMENT, *September 4, 1830.*

SIR: It is very much to be regretted that no appropriation was made at the last session of Congress, for the Miami and Pottawatamie annuities; apprehending that the Indians would feel considerable dissatisfaction, and perhaps distress, in consequence of not receiving their annuities as usual, great solicitude was felt here to get over the difficulty, if practicable, which induced a further consideration of the subject, after the letter was written to Governor Cass, advising him that no appropriation was made. The law, under which funds for these annuities were drawn for the last year, was examined, and the terms of it seeming to favor an impression that funds could be again drawn under it, for the same annuities for this year, the law was submitted to the Comptroller of the Treasury, for his opinion on this point. The comptroller being of opinion, that the appropriations made by that law for annuities, were only applicable to the last year, and that nothing could be drawn under it on account of *annuities for any other year*, nothing further, of course, (there being no other appropriation that could be made applicable for the purpose,) could be done by the department, on the subject.

An appropriation will undoubtedly be made, at the next session of Congress, for these annuities; and should the bank cash the draft, which you state you have drawn, and the Secretary of War has accepted, there can be no danger of their incurring any loss by the transaction, as the amount of the draft will be paid immediately on the passage of the appropriation.

Under these circumstances, it is hoped there will be no further difficulty on the part of the bank in cashing your draft, and thereby rendering the public a service.

I am, &c., &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To General JOHN TIPTON,
Indian Agent, &c.

WAR DEPARTMENT, *September 6, 1830.*

SIR: I have the honor to acknowledge the receipt of your letter, of the 23d of August.

In compliance with the request therein contained, I enclose herewith a copy of the report of General Coffee, and a copy of the map which accompanied it, showing the line fixed on by him, as the true boundary between the Cherokee and Creek Indians. These with the letter of the Secretary of War to you of the 1st June last, stating the report of General Coffee had been confirmed by the President, it is presumed will give all the information required on the subject. Should any thing further be necessary, your excellency's requests on the subject, will receive prompt attention.

I am, &c., &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To his Excellency GEORGE R. GILMER,
Milledgeville, Georgia.

WAR DEPARTMENT, *Sept. 7, 1830.*

SIR: Your letters of the 6th and 10th August were duly received.

The first, enclosing the account of Mr. Scott, for his services in taking care of, and leasing, the improvements on the lands ceded by the Cherokees, being a claim for services connected with the public lands, is referred to the General Land Office.

In regard to the other, enclosing a letter from Col. Arbuckle, requesting you to make some arrangement between the Indians and whites who are occasionally crossing the boundary line in search of stock, &c., I have to state, that the Indian agencies are the channels pointed out by law, through which citizens, as well as Indians, are to seek redress in cases of this kind, and in cases of property lost by thefts of the one, committed on the other. The aggrieved party, whether white or Indian, should submit their cases to the proper Indian agent, to be proceeded upon according to law, with a view to redress the grievance. By pursuing this course, all difficulty and unpleasant collision between the whites and Indians will be avoided, and a restoration of property, or satisfaction therefor secured, without disturbing the peace and harmony which it is desirable should be maintained between our citizens and the Indians. The enclosed circular is transmitted for your information on this subject.

Respecting the few Shawnees and Delawares who are residing in the Arkansas Territory, I would suggest a correspondence with General Clark, at St. Louis, who has been making arrangements for the permanent location and settlement of the Shawnee and Delaware tribes on lands west of the Missouri.

I have the honour, &c., &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To his Excellency JOHN POPE,
Little Rock, Ark. T.

WAR DEPARTMENT, *Sept. 8, 1830.*

SIR: Your letter of the 13th ultimo has been received.

When the subject of the removal of the Indians of your agency is acted upon by the Executive, the necessary instructions will be given. It will not be proper for you, in the mean time, to take any measures in anticipation of the course which the Executive may deem it advisable to pursue in the execution of the act passed at the last session of Congress, providing for an exchange of lands with the Indians, and for their removal.

I am, very respectfully,

Your obedient servant,

P. G. RANDOLPH,

Acting Secretary of War.

To General JOHN TIPTON,
Indian Agent, &c.

WAR DEPARTMENT, *September 9, 1830.*

SIR: Your letter of the 16th ultimo, enclosing an application from the inhabitants living in the vicinity of the Ottaways of the Maumee was duly received.

When the subject of the removal of the Indians from the Michigan Territory is acted upon by the Executive, this application in relation to the Ottaways will receive due attention.

Very respectfully, &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To his Excellency LEWIS CASS, *Detroit.*

WAR DEPARTMENT, *September 10, 1830.*

SIR: Your letter of 13th July has just been received. In reply to your inquiry, "whether individuals are at liberty to purchase Indian claims to lands," I have to state that such purchases by individuals are expressly prohibited by law, and, of course, would not be valid if made.

I am, &c., &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To Mr. JEREMIAH LOFTIN,

Aspalaga, Florida.

WAR DEPARTMENT,

Office Indian Affairs, September 9, 1830.

SIR: The accounts of Mr. Schoolcraft and Mr. Boyd, transmitted with your letter of the 17th ultimo, have been received at this office.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To his Excellency LEWIS CASS, *Detroit.*

WAR DEPARTMENT,

Office Indian Affairs, September 13, 1830.

SIR: The enclosed letter to General Hughes, in relation to a balance of the funds advanced to him here, for the expenses of transporting the Osages to St. Louis, which remains in his hands, is enclosed to you open, for your information. After you have perused it, you will have the goodness to seal and forward it to General Hughes, with any other directions you may esteem it proper to give him on the subject.

I am, very respectfully, &c.,

S. S. HAMILTON.

To General WILLIAM CLARK,

Superintendent Indian Affairs, St. Louis, Mo.

WAR DEPARTMENT, *Sept. 15, 1830.*

SIR: The numerous claims for improvements abandoned by Cherokees, in the form of certificates issued to the Indians by the Indian agents east, and the late agent west of the Mississippi, which have been, and continue to be, presented here for payment, (by persons who it is presumed, have purchased them up,) without being accompanied by any other proof of their right to receive the money, than the certificate itself, render it necessary to stop acting upon them here, and in future to refer the holders of such certificates to you for payment.

To enable the department to place in your hands sufficient funds for this purpose, you will ascertain and report the amount of certificates issued for improvements abandoned by the Cherokees of Arkansas, and the emigrants from the old nation which remain to be paid, accompanying your report with separate lists of the claimants, showing the amount due to each. On the receipt of your report, funds will be remitted to you. In making the payments, you will pay the Indian claimants themselves, as far as it can be done consistently with justice, and will make no payments to the purchasers or holders of the certificates, except where you are satisfied that the Indians have not been imposed upon; and, in no event, to pay any claim which is not receipted by the original claimant, properly attested. No injustice is intended or desired to be done to the *bona fide* purchasers of such certificates; but it is very desirable to discourage the Indians from selling or transferring, and others from buying, their claims, as much as possible, as well with a view to secure to the Indians the full amount of their claims, as to avoid the great difficulty and confusion which the practice produces in the settlement of them. You will also ascertain and report the amount (with a list of the claimants) of all claims due to the Cherokee emigrants, under that provision of the 8th article of the treaty, which stipulates for the payment of (\$10) ten dollars for each emigrant, on certain conditions specified in said article, an extract from which is herewith enclosed for your information. On the receipt of your report, funds will be remitted to you to pay these claims also. Your being on the spot where all the original claimants reside, will enable you to possess yourself of such facts in regard to the claims as may be necessary to act understandingly upon them, and thereby render strict justice to all concerned, which it would be impracticable to do here, where such facilities for information are not afforded. It will be proper that you

circulate, as extensively as possible, a notice to claimants, that all settlements for claims connected with the treaty with the Cherokees of Arkansas, will be made in future through you *alone*, and that they must accordingly be presented to you at the agency.

The treaty stipulates for the payment of \$50,000 to the Cherokee nation of Arkansas, for losses and the inconvenience attending removal, &c., to be paid to them immediately after removal. Upon your report of the fact, that the nation has removed, the \$50,000 will be remitted, to be paid agreeably to the treaty, as soon as it is received. Should there be any other claims due to the Indians under the treaty referred to, you will report them, that measures may be adopted for their settlement through you. It is absolutely necessary that you give the earliest attention to the instructions herein contained.

I am, &c., &c.,

P. G. RANDOLPH.

Acting Secretary of War.

To Captain GEORGE VASHON,

Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, September 17, 1830.

SIR: I enclose, herewith, for your information, a copy of a letter addressed to the agent of the Cherokee nation, east of the Mississippi. In order that the department may have a full and correct view of all the expenses incurred by you, in the execution of the provision of the treaty with the Cherokees of Arkansas, for emigration, I am directed to request you to prepare and forward, with as little delay as practicable, a statement, in a connected form, showing the amount of expense incurred within your agency, under the different heads, to wit, transportation of rifles, kettles, &c. &c.; improvements abandoned; expense of emigration, which includes cost of boats, &c.; rations for emigrants; gratuity of \$10 for each emigrant; compensation to assessors, issuing agent, and any others employed by you; and all other expenses attending the emigration from the Cherokee nation, giving them as much in detail as possible. The statement to show, also, how much has been paid by you under each head, how much is still due, and remains to be paid through your agency. The statement is required chiefly for the purpose of preparing estimates, to be submitted to Congress at the ensuing session, to obtain an adequate appropriation to meet the excess of the expenditures or demands under the several heads, over and above the appropriations made for the same object for the last year. I will thank you, therefore, to make your statement as plain and exact as possible, in every respect, that there may be no mistake as to the sums that will be required under each head.

I am, &c., &c.,

SAML. S. HAMILTON.

To Col. HUGH MONTGOMERY,

Cherokee Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, September 23, 1830.

SIR: Your letter of the 2d instant, addressed to Col. McKenney, has been received.

When the subject of the removal of the Indians from Indiana, Ohio, Illinois, and Michigan, is acted upon by the Executive, the suggestions contained in your letter will, doubtless, receive due consideration.

I am, &c., &c.,

SAML. S. HAMILTON.

To General JOHN TIPTON,
Indian Agent, &c.

WAR DEPARTMENT, *September 28, 1830.*

SIR: Your letters of the 31st ultimo and 14th instant, with their enclosures, were duly received.

The interference of the traders with the Indian agent, in the purchase of goods for the Indians, (as complained of by sub-agent Clark,) is considered highly improper; and you are authorized to adopt such regulations as may appear to you to be necessary and proper, to prevent such interference in future. You will transmit copies of these for the information of the department. On the receipt of which, further directions, if any are deemed necessary, will be given to you on the subject.

In relation to the removal of the Shawnees and Delawares, and furnishing the Piankeshaws, Weas, and Peorias, with oxen, carts, &c., I have to state that there are no funds at the disposal of the department for these objects; nothing, of course, can be authorized to be done, until the means are provided. The late treaty with the Delawares was only conditionally ratified by the Senate of the United States; of course no appropriation was made to carry it into effect, nor will any steps be taken for that purpose, until Mr. McCoy has surveyed the line, which he has been appointed to run, and reported the same, with the agreement of the Osages thereto, to this department. When his report is received, there will be no delay in giving such attention to the subject as it may require.

Your letter of the 5th instant, containing your report on the subject of the expenditures, on account of the Ioway prisoners, has also been received, and is referred, with the accompanying papers, to the Second Auditor.

I am, &c., &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To General WILLIAM CLARK,
Sup't Indian Affairs, &c.

WAR DEPARTMENT,
Office Indian Affairs, September 30, 1830.

SIR: Your letter of the 20th inst. is received. In regard to the removal of the Delawares, I am directed to instruct you, if you find there is no probability of their removing this fall, to deposite the balance of the funds remaining in your hands, applicable to that object, in the United States Branch Bank nearest to you, to the credit of the Treasurer of the United States, and transmit the cashier's certificate of the deposite to the Department of War. On the receipt of which you will be credited with the amount on the books of the Treasury.

There are no funds applicable to the removal of the Indians in small parties, and to emigration in that way no encouragement should therefore be given: Estimates have been submitted to Congress for the removal of the Senecas, but no appropriation has as yet been made. If you will forward estimates for that purpose, with such information in regard to the numbers of the Senecas, and their disposition to remove as you may be able to afford, they will be laid before the Secretary of War, to be again submitted to Congress, should he deem it expedient.

In relation to your pay, and that of the late agent, it is presumed the auditor will have no difficulty, with the proper explanations, in settling the matter as it ought to be.

No apology was necessary for the length of your letter. It is very satisfactory on the several points to which it refers.

This office being only a subordinate branch of the War Department, and having no privilege to frank, it would be most proper and save much trouble, for you to address all your official communications *direct* to the Secretary of War, who will pass them to this office, with such directions as he may esteem it proper to give respecting them.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Col. JOHN McELVAIN, *Indian Agent, &c.*

WAR DEPARTMENT, *October 1, 1830.*

SIR: The President of the United States has received your communication of the 8th ultimo, enclosing an application from the chiefs and headmen of the Menomonie tribe of Indians, for permission to send a delegation to Washington next winter.

I am directed by the President to instruct you, to inform the Menomonies that he (their great father) would be happy to see them here to hear their grievances, and as far as in his power relieve them; but that at present there are not sufficient funds at his disposal, to defray the expenses of a visit of a deputation from their tribe to the seat of Government. That as soon as there are funds sufficient for that purpose, their great father will send an invitation to them through you to come and see him.

You will, in communicating this information to the Menomonies, satisfy them of the friendship and good will of their father, the President, towards them; and that he is disposed to do them at all times strict justice.

The commissioners sent to Green Bay for the purpose of adjusting the boundaries between the Menomonies and Winnebagoes, and the New York Indians, have not as yet made any report to this department. It appears to be important that their report should be received before any further steps are taken on this subject.

In making your official communications, the general rule is that they be made to, and come through the superintendent of Indian affairs, the Governor of the Territory; but in cases where, for particular reasons, it may be necessary to communicate directly with the Executive, they should be addressed to the Secretary of War.

I am, &c., &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To Colonel SAMUEL C. STAMBAUGH,

Indian Agent, Green Bay.

WAR DEPARTMENT, 4th October, 1830.

SIR: I have to acknowledge the receipt of your two letters of the 15th ultimo, one enclosing an address of the Pottawatamies and Ottaways, the other, accounts of Messrs. Dougherty, Beauchamp, Bean, and Julian, for extra services on account of the late treaty at Prairie du Chien. I have also to acknowledge the receipt of your letter of the 18th ultimo, enclosing the accounts of Messrs. McNair, George Cassuer, Benjamin Lawhead, David Bailey, and Solomon Hoyle.

These last claims have all been referred to the Second Auditor. The claims of Major Dougherty and others, for extra services, &c., are herewith returned, with the remark that nothing additional can be allowed to these officers in the way of pay, as stated in their accounts; but if they will make out, and forward through you, accounts for the expenses incurred by them, respectively, in the performance of such extra services, they will, if deemed reasonable, be allowed. You will accompany them with your opinion as to their reasonableness.

I think it proper to remark, however, in addition, that it is conceived the services of Mr. Bean, on the occasion referred to, were altogether unnecessary; as it is believed, had your instructions been given direct to Major Dougherty, that he and his sub-agent, Mr. Beauchamp, could have performed the whole duty without the aid of Mr. Bean, and, of course, without the additional expense thereby incurred.

The department is prevented, by the want of the means, alone, from authorizing the adoption of any measures, at present, for reconciling the Pottawatamies and Ottaways, on the subjects referred to in their address and remonstrance. If you will forward an estimate for this object, with those heretofore required for sundry extra objects of disbursement within your superintendency, it will receive proper attention. In the mean time you will pay strict attention to the instructions which have been given, and not incur any expense or obligation for objects for which there is not an appropriation.

The instructions forwarded to you on the 18th August, as to the change in the mode of remitting funds, which you state was without signature, were authorized. To remedy the omission, I herewith enclose a duplicate, signed.

I am, &c., &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To General WILLIAM CLARK,
Sup't Indian Affairs, &c.

WAR DEPARTMENT, 5th October, 1830.

SIR: The practice, which has heretofore prevailed, of making payments for rifles on accounts accompanied by evidence of the shipment, being considered improper, no payments will be made in future, but upon accounts accompanied by evidence of the *actual delivery* of the rifles to the officer or agent to whom they may be ordered to be forwarded by the department.

The receipt of such officer or agent for the delivery of the rifles, will therefore be required as an indispensable voucher to pass your accounts for them, in future.

I am, &c., &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To Mr. HENRY DERINGER,

Rifle Manufacturer, Philadelphia.

WAR DEPARTMENT, *October 7, 1830.*

SIR: It has been represented to the President of the United States that many of our citizens intend moving immediately on the Chickasaw lands to procure occupant claims.

As much mischief may ensue from such a procedure, I am directed by the President to instruct you to take early and efficient steps to prevent it. With this view you will immediately circulate a notice, as extensively as practicable, warning all citizens who may move into the Chickasaw country that they will be removed therefrom, and all their improvements destroyed, by force. A notice of this kind, if circulated so as to be generally known, it is hoped will have the effect of deterring all those who design to move upon the Chickasaw lands from doing so. In the mean time, the President directs that you notify the department whether a military force will be necessary to keep off the intruders. If so, a part, or the whole if required, of the detachment now in the Cherokee nation will be ordered to your assistance.

Your immediate attention to the subject of this letter is particularly desired.

I am, &c., &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To Col. BENJAMIN REYNOLDS,

Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, October 8, 1830.

SIR: Your letter of the 25th ultimo, enclosing a talk of the Seneca Indians to the President of the United States, was duly received.

The letter from this office of the 30th ult. will apprise you of the reason why no measures have been ordered for the removal of the Seneca Indians, agreeably to their wishes. The means have been asked for, but have not yet been granted by Congress. They will be asked for again, for which purpose you have been requested to forward estimates, &c. Should an appropriation be made, there will be no delay in issuing to you the necessary instructions, &c.

In the mean time, I am directed to instruct you to inform the Seneca Indians that their former (as well as present) talk to their great father, the President, was duly received and considered; that their great father has been, and still is, very desirous that they should be gratified in their wishes, but for the reasons above stated, (which you will explain to them fully,) he has not been able as yet to direct any measures to be taken for that purpose.

that their requests, as set forth in their talks, are borne in mind, and that as soon as the means are provided by Congress, they will be attended to. In communicating this information to the Seneca Indians, you will assure them of the very friendly feelings which their great father entertains for them, and his solicitude that they should be placed in a situation where the bad example of the whites can have no influence in corrupting their young people and children.

It is hoped a reply, as above directed, to the Senecas, will satisfy them until something more can be done. I would, however, suggest the propriety of avoiding giving any encouragement to expectations which may not soon be realized, or of incurring any obligations for which you have not the means or authority of the Department of War. Promises of any sort made to Indians, are never forgotten: the agents and the department are teased until they are fulfilled; and if not fulfilled, and in every particular, distrust and dissatisfaction are the consequences.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Col. JOHN McELVAIN,
Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, October 9, 1830.

SIR: Your letter of the 23d ult. is received. The communication of Col. Stambaugh, to which you refer, has been received by the President, and he has directed him to be informed in reply to the application of the Menomones for permission to send a deputation to the seat of Government, that there are not at present sufficient funds for that purpose, but as soon as there are funds a deputation will be invited on. The spring is certainly the most agreeable time to receive such a deputation here. The report of the commissioners has not yet been received. Should the adjustment of boundaries, as made by them, be acquiesced in by all parties concerned, it will doubtless be highly gratifying to the Executive. No further measures will, of course, be taken on the subject until the report of the commissioners is before the department. Col. Stambaugh has been so advised.

I have also received your letter of the 25th ult., and submitted it to the Acting Secretary of War. He approves of the disposition which you recommend to be made of provisions turned over by the commissioners recently employed at Green Bay, and directs that you give to Col. Stambaugh the necessary instructions to carry the same into effect.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To his Excellency LEWIS CASS, *Detroit.*

WAR DEPARTMENT,

Office Indian Affairs, Oct. 14, 1830.

SIR: Your letter of the 4th inst., enclosing a census of the Indians of your agency, is received. The census furnishes very interesting and satisfactory

information in regard to the numbers of the New York Indians. As respects the difficulty between the New York and Menomonie and Winnebago Indians, in relation to boundaries, the commissioners appointed to adjust it have not yet made their report to the department. Until their report is received nothing further will be done on the subject.

Your letter of the 4th September, accompanied by a communication from the Seneca chiefs to the Secretary of War, in relation to their stock, and your letter of the 4th inst., to the Secretary of War, asking instructions on the subject of the erection of a mill for the Tonewanda Indians and the assistance they will require for that purpose, have been received. I am directed to inform you that they will be attended to immediately on the return of the Secretary of War, who is expected soon. In the meantime, I will thank you to state whether you refer to a law of the United States, or to a law of the State, as prohibiting whites from residing on the Indian reservation: if the latter, (as is presumed,) it is not seen how the department can get over the difficulty.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To JUSTUS INGERSOLL, Esq.,

Sup't Indian Affairs for Six Nations, &c.

WAR DEPARTMENT, 15th October, 1830.

SIR: Your letter of the 28th August, announcing your arrival at Cantonment Gibson, is received. Instructions were, on the 15th ultimo, forwarded to you at that post relative to claims for improvements, &c., on certificates issued to the Indians by the agents; which, it is presumed, you have received, and to which your early and particular attention is required. Enclosed are some claims which have been received at the department since the above mentioned instructions were forwarded to you, and are transmitted to take the course directed in said instructions. The person holding the draft, which Mr. Duval states he has drawn for these claims, will, of course, be referred to you when the draft is presented here for settlement.

A reply was forwarded to Colonel Arbuckle the 11th ultimo, on the subject of General Houston's case, which he will, no doubt, receive and afford you an opportunity of perusing. General Houston is not considered as entitled to the privilege of trading with the Indians, without being licensed agreeably to law, as is required of other citizens engaged in the trade. You will, therefore, act upon his application, should he make one to you for a license; without such license he is not to be permitted to trade.

The boundaries of the Cherokees are fixed by the treaty of 1828. It is presumed the Creeks can have no just claim to any lands within said boundaries. With a view, however, to put an end to all further difficulty, you will investigate the subject, and report what, in your opinion, is the best mode of adjusting it, so as to do equal justice to the Cherokees and Creeks, and with which they would be satisfied. When your report is received, such further directions will be given on the subject as may appear to be proper.

After you have fixed on a suitable site for the permanent establishment of your agency, and reported it with a description of its location to the department, accompanied by an estimate of the cost of the buildings that will be

necessary for your accommodation, instructions will be given for the erection of the buildings. In the mean time, it is presumed, you can be conveniently accommodated with quarters at Cantonment Gibson.

I am, &c., &c.,

P. G. RANDOLPH,

Acting Secretary of War.

To Captain GEORGE VASHON,
Cherokee Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, 22d October, 1830.

SIR: I am directed to transmit to you the enclosed copy of a letter from C. Irvine, esq., and to request you to obtain from the gentleman therein named, if he has it in his possession, the certificate for the Seneca stock, and transmit it to the Department of War, to be placed on its files, to which it properly belongs.

Very respectfully, &c.,

SAML. S. HAMILTON.

To JUSTUS INGERSOLL, Esq.,
Superintendent Indian Affairs, &c., Medina, N. Y.

WAR DEPARTMENT,

Office Indian Affairs, 22d October, 1830.

SIR: I am directed to acknowledge the receipt of your letter of the 9th instant, and to thank you for the information it contains in relation to the certificate for the Seneca stock.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To CALLENDER IRVINE, Esq.,
Commissary General, &c., Philadelphia.

WAR DEPARTMENT,

Office Indian Affairs, November 8, 1830.

SIR: Your letters to the Secretary of War, of the 11th and 18th ultimo, are received. In reply to your suggestion for the appointment of a special agent, I am directed to inform you that it is the duty of the Indian agent, under your directions, to attend to claims for slaves, both of the Indians and white people, and all other claims growing out of their intercourse with each other, and to collect and report all such information and evidence in relation to the same as may be necessary to a correct decision; and that no special agent can therefore be appointed for that purpose.

As to withholding the annuity as a means of compelling the delivery of negroes by the Indians, I am directed to say that it is doubted whether there is any authority to touch the annuity of the Indians, except for claims

allowed under the act of intercourse of 1802; and that, as the claims for slaves are not considered as embraced by that act, it would be improper to withhold the annuity for any purpose connected with them, especially, when the title is still in dispute between the Indians and the claimants. It is believed that, in most of the cases, the slaves claimed are of the description referred to in the 7th article of the treaty with the Florida Indians; and that if the claimants will authorize the agent to offer the Indians a reasonable compensation for apprehending and delivering them, as provided for by said article, there is little doubt it would lead to the recovery of the negroes in many instances, where other means have failed. This being the course pointed out by the treaty, the Secretary directs that it be pursued.

I am, very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To his Excellency WM. P. DUVAL,
Tallahassee, Florida.

WAR DEPARTMENT,

Office Indian Affairs, November 12, 1830.

GENTLEMEN: Your communication from Tuscaloosa of the 20th, with the accompanying papers, and that from Pickens county, of the 26th ult., to the Secretary of War, have been received. In reply, I am directed by the Secretary to state, that the President's order, issued sometime since through the Department of War to the several Indian Agents, directs that, in paying the annuities, a general distribution of the same be made amongst the Indians; and that, hence, no draft by an individual chief can be recognized. Besides that, the annuity for the present year having been paid, there is nothing due; and that, of course, nothing more can be paid on account of annuity until the next year. That when the annuity for the next year is due it will be remitted to the agent, as usual, for payment; and, while the Indians are assembled for the purpose of receiving it, you can then prefer your claim and have it adjusted.

The papers, which accompanied your letter of the 20th ultimo, are herewith returned.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Messrs. GRANT and CLEMENT,
Hope, Pickens county, Ala.

WAR DEPARTMENT, *November 13, 1830.*

SIR: Orders have been issued for a detachment of troops immediately to proceed from Jefferson barracks, down the Mississippi river, and land somewhere about the Yazoo, in the neighborhood of where Colonel Leflore lives. This being a central position, the troops can act at any point, and thereby intruders and wrongdoers will be kept, as promised, out of the nation, and new order, as it regards troublesome and obtrusive white men, will take place. You are desired to place the act of 1802, regulating Indian affairs, in the hands of the officer when he shall arrive, that he may see and understand what is to be done. Under that law his authority to act will arise.

Good order must be maintained in the nation, and all obtrusive persons kept out. The troops will speedily arrive. I will shortly write you more at large.

Very respectfully,

JOHN H. EATON.

To Colonel WILLIAM WARD,
Choctaw Agent.

WAR DEPARTMENT,
Office Indian Affairs, November 18, 1830.

SIR: Mr. Burt, of Buffalo, having declined to deliver to the superintendent of Indian affairs for the Six Nations the certificate for 205 shares of stock belonging to the Seneca nation of Indians, I am directed by the Secretary of War to ask the favor of you to request the agent of the old Bank of the United States, should there be any thing due in the way of dividends, or surplus, on said stock, not to pay the same to Mr. Burt, or any other person, unless he has the authority of the President of the United States, as the trustee for the Indians, for receiving it.

I am, very respectfully, &c.,

SAMUEL S. HAMILTON.

To CALLENDER IRVINE, Esquire,
Commissary General of Purchases, Philadelphia.

WAR DEPARTMENT,
Office Indian Affairs, November 18, 1830.

SIR: I transmit to you, herewith, by direction of the Secretary of War, a claim of Joseph Cooper, for beef, &c., furnished under a contract with L. Blake, late acting sub-agent for the Creeks. No contract of the description referred to has been received here. The Secretary directs that you report to him as early as practicable all the information in your possession, or which you may be able to obtain, in relation to the claims, to enable him to decide upon it correctly.

It is very desirable to have as correct a view of the present state of the business of the Western Creek Agency as can be obtained. I therefore take this occasion to request you to transmit, with as little delay as possible, a report showing the state of the business of the agency, and particularly the demands against it under contracts or otherwise, accompanied by such remarks as may be necessary to explain the nature of said demands, and how and why they have been incurred, &c. It is understood that the Indians have some claims, under a contract with them, for supplying corn for the emigrants; if so, they should be particularly explained, and a copy of the contract, and of all other contracts, if any, furnished.

It appears that certificates were issued during the agency of Col. Brearley, to each of the Indians who emigrated with him, for his share of the \$100,000, promised to the McIntosh party after their removal, provided their numbers equalled 3,000, or in that proportion for any less number. If such certificates were issued, you will ascertain how many, and the amount of them, how they have been disposed of, in whose hands they now are,

and any other information in relation to them that may be necessary, to enable the Secretary of War to give proper directions for their settlement. It appears by Col. Brearley's returns to the department, that 1,203, including persons of every description, emigrated under his agency; and Colonel Crowell reported, that about 1,200 had gone under his agency. These last, it is believed, are not entitled to any portion of the \$100,000, they not being of the McIntosh party, for which party only that sum was intended by the treaty. But you can doubtless communicate information on this part of the subject, that will be very useful to the department in acting upon it, and are accordingly requested to do so.

The department, for want of returns from the late acting sub-agent, will not be able to act understandingly upon any business that may come before it, connected with the Western Creek Agency, until your report is received; hence the necessity for an early compliance, on your part, with the requests contained in this letter.

I am, very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To General JOHN CAMPBELL,

Sub-agent for Western Creeks.

WAR DEPARTMENT,

Office Indian Affairs, November 19, 1830.

SIR: Your letter of the 28th ult. to the Secretary of War, enclosing copies of papers relating to a claim you have against the Western Creek Agency, for beef, &c., has been received.

I am directed by the Secretary of War to inform you, that there does not appear to be any authority from the Department of War to L. Blake, to act as a disbursing agent, or make contracts for the Government; and that no copy of any contract of the description referred to by you, has ever been received here. The department having, of course, no other information on the subject than what is disclosed by your letter, it becomes necessary, before anything definite can be done with your claim, to refer it to General Campbell, the agent for the Western Creeks, for his examination and report, which has accordingly been done.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To JOSEPH COOPER, Esq., *Franklin, Mo.*

WAR DEPARTMENT,

Office Indian Affairs, November 19, 1830.

SIR: Your letter to the Secretary of War of the 2nd instant, advising of your bill for one thousand dollars, on account of the school fund, provided for by the treaty with the Florida Indians, has been received.

I am directed by the Secretary of War to state, that as the treaty with the Florida Indians stipulates for a school *at the agency*, the expenditure of the money for the education of boys in Kentucky, (where the expenses

will of course be greatly increased, and beyond what the fund may be adequate to meet,) would not be a proper fulfilment of the treaty stipulation, and might therefore occasion dissatisfaction among the Indians. To avoid any difficulty on the subject, he will, for the reasons above stated, be under the necessity of refusing his acceptance to your bill, if presented for payment.

I am, very respectfully,

Your most obedient servant,

SAMUEL S. HAMILTON.

To his Excellency WILLIAM P. DUVAL,
Tallahassee, Florida.

WAR DEPARTMENT,

Office Indian Affairs, November 19, 1830.

SIR: The account and vouchers relating to the proceedings of the commissioners for locating a country at Green Bay for the New York Indians, and the report of Mr. Ellis, surveyor, as to the aspect of that country, and transmitted with your letter of the 30th ultimo, have been received at this office.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To WILLIAM B. HUNT, Esq., *Detroit.*

WAR DEPARTMENT,

Office Indian Affairs, November 19, 1830.

SIR: Your communications to the Secretary of War, relative to your proceedings, under an order of the late Secretary of War, of 28th of January, 1829, directing an assessment of rents on the improved lands acquired from the Cherokees, and bonds to be taken for the amount, and enclosing the claim of Mr. Scott, who had been employed by you on that service, were duly received.

In reply, the Secretary of War has directed me to state, that on a careful examination of the subject, the department does not consider itself authorized to lease the public lands and receive rents from settlers, without the sanction of Congress. He, therefore, directs that no further assessments be made, and nothing further be done with the tenants; and that Mr. Scott's agency in the business be considered as having terminated.

But as it appears that Mr. Scott was employed by you, under the instructions above referred to, that the department may judge what is proper to be done in his case, I am directed to request you, if bonds and security were taken of the settlers or tenants as directed by said instructions, to forward an abstract of them with their several amounts, accompanied by your report as to the extent of the services rendered, and of the trouble, &c., he has had in performing them, and your opinion as to the justice, &c., of the claim for the amount charged. When the abstract and report required are received, the claim will be decided on, and the result communicated to you.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To his Excellency JOHN POPE,
Little Rock, Ark. T.

WAR DEPARTMENT,
Office Indian Affairs, November 23, 1830.

SIR: I have received your letter of the 15th instant. In compliance with your request, I am directed by the Secretary of War to transmit to you the enclosed check for three thousand three hundred and eighty-five dollars and sixty cents, which is the amount of interest due on the Seneca stock, for one year, on the 30th of September last. You will be pleased to acknowledge the receipt of the check.

I am also directed by the Secretary of War to state, that the funds of the Senecas being vested in the United States three per cent. stock, which is irredeemable, without the authority of Congress, the President is unable to comply with the wishes of the Indians on the subject, until such authority be given.

Under these circumstances, the Secretary suggests that the proper course would be for the Senecas to send in a memorial to Congress at the ensuing session, stating their wishes in regard to their stock, when an act would no doubt be passed giving to the President the authority required to act upon the case.

I am, &c.,

SAMUEL S. HAMILTON.

To JUSTUS INGERSOLL, Esq.,

Sup., &c., Six Nations, Medina, New York.

WAR DEPARTMENT,
Office Indian Affairs, November 23, 1830.

SIR: Mr. Hunt, the secretary to the commissioners for adjusting Indian boundary lines at Green Bay, has recently forwarded the returns for disbursements on account of their expenses: but no report has yet been received informing the department of the proceedings of the commissioners, or the result of their labors. The Secretary of War has directed me to advise you of this, and request you will forward, as soon as your convenience will permit, the report required.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To General ERASTUS ROOT,

Delhi, New York.

WAR DEPARTMENT, *November 24, 1830.*

SIR: I have received a letter from a few of the principal men in Mushulatubbe's district, stating that he has been removed, and Joel R. Nail appointed chief in that district. You will communicate to the people of that section that there is no intention here to interfere with them in any such arrangement. It is desirable that they regulate their home, internal matters as they please, provided they act peaceably. But the War Department, so far as it is concerned, or has any thing to do with the Choctaws, will not *acknowledge* or *recognize* any one as chief, unless he shall be fairly and fully elected by the people of the district, and that fact satisfactorily made

known through the general council of the nation. That factious sort of spirit which induces the breaking of a chief by the vote of a few discontented persons, when the whole body of the people are not consulted, is anti-republican, and must tend to keep up strife and animosity. These must be prevented: it is not the way to make them happy, which I desire they should be, and which the Indians themselves should wish.

I hope the troops will shortly be in the nation. Let the Indian understand clearly, that our soldiers come to keep the white man from intruding upon his rights, and from disturbing him at his home, and at the same time to keep the Indians at peace.

The commanding officer will be instructed to arrest any Indian, and place him in the hands of the civil authority for trial, who shall kill or attempt to kill, or beat another. They must live quietly; it cannot be permitted to them to do otherwise. He will be ordered, too, to arrest every white man living in the nation, who has not proper authority to be there, and if their be any, having authority from you to be in the nation, who misbehaves himself, or has been so acting, you will give him notice to depart, and inform the commanding officer that you have done so. If any Indian is known to you to violate the criminal law, by killing, or attempting to kill, or beating an Indian or white man, you will give notice, that he may be arrested by the troops, and handed over to the civil authority; and these things you will cause to be made known through the nation generally. Say to them, that while they act peaceably and behave well, their great father and I will be their friends; but otherwise we will not.

Very respectfully,

JOHN H. EATON.

To Col. WILLIAM WARD,
Choctaw Agent.

WAR DEPARTMENT, *November 24, 1830.*

FRIENDS AND BROTHERS: I have received your letter, in which you say that threats have been made against two of your chiefs, to wit, Hopingohuby and Omahubbee, alleging that I had given them money; say to those who thus speak, that it is false, a mere story which some bad men have put into their heads to deceive them. I went amongst my Choctaw brothers to be their friend, and to save them from ruin. I told them all to act for themselves, and to exercise their own judgment upon the talks I made to them. That they might do so, I made no present until the business was settled and arranged; when this was done, I ordered the contractor's store of goods to be made presents of, and every one had their share who was on the ground.

Brothers: My earnest desire is to see you all happy; to do this, you must stop quarrelling and falling out amongst yourselves. It is childish for you to do so; quit it, or you will bring yourselves to ruin. Tell your people so from me. As for their threats about killing, tell them, their great father will tolerate no such conduct. By this time, our soldiers are, perhaps, in your nation, for I have ordered them to go there. They are directed to keep white men out of your nation, and from interrupting the Indians; and I will tell them, also, if one Indian kills, or attempts to kill another, to take him and put him in jail, for the courts of Mississippi to try

him. Tell them this, for it shall be done; and they may be sure of it. If they behave well and peaceably, their father will be their friend; I will be so too; but if they behave ill, and seek to kill one another, they shall be punished.

Joel R. Nail will not be acknowledged as a chief here. I will acknowledge no chief of the Choctaws, unless he shall be regularly and fairly elected by the people of his district, and so reported to me by the general council of the nation.

Brothers: Keep at peace and be happy, for otherwise you will become wretched and miserable indeed.

I will send a rough copy of the treaty to Netuchache. I sent it to Demopolis some time ago. Very shortly, by or before Christmas, I will send you a printed copy of it.

My kind regards to all of you.

Your friend and brother,

JOHN H. EATON.

To JERCHAHOPIA, *Speaker*, } *of the Choctaws.*
OMAHUBBEE, and Others, }

Remember me kindly to your chief Netuchache. Tell your people to respect and love him, for he is a good warrior and a worthy man.

J. H. E.

WAR DEPARTMENT,

Office Indian Affairs, November 30, 1830.

SIR: Mr. Deringer has informed the department that he has shipped to you two hundred and fifty rifles, which, agreeably to a late order of the department, cannot be paid for until your acknowledgment of the receipt of the rifles is received. You will therefore, be pleased to acknowledge the receipt of the same as soon as they reach your hands, that there may be no unnecessary delay in paying the account of Mr. Deringer.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Col. JOHN CROWELL,
Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, November 30, 1830.

SIR: I have received your letter of the 29th instant, with the bill of lading, policy of insurance, and account for rifles which it enclosed.

As soon as the evidence of the delivery of the rifles, required by the order communicated to you on the 5th ultimo, is received, your accounts will be attended to. It is presumed Colonel Crowell will not delay acknowledging the receipt of the rifles as soon as they reach his hands.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To Mr. HENRY DERINGER,
Rifle Manufacturer, Philadelphia.

WAR DEPARTMENT,
Office Indian Affairs, December 2, 1830.

SIR: I am directed by the Secretary of War to inform you, that a treaty has recently been made with the Choctaws, which provides for their emigration west. As soon as the treaty is ratified, measures will be adopted for its execution generally. By information received from the nation, it appears to be probable, that a number of Choctaws will emigrate immediately. In case they should do so, measures have been ordered to be taken, through the agent of the Commissary's Department in that section of the country, to supply the emigrants with rations; the ration to each warrior not to exceed a pint of corn and a pound and a half of meat a day; for the women and children, a less quantity each will of course be required. The Secretary of War directs that you co-operate with the agent of the Commissary's Department in this business, and keep a register of the emigrants as they may arrive, distinguishing the number of men, women, and children; and furnish said agent with a certified roll, on which to make his issues. He directs that you be particular in keeping this register, in which you are not to enter the names of any that are already on the lands west, but those only who may now emigrate, and in pursuance of the treaty above mentioned, none others being entitled to the benefit of its provisions.

You will advise the department of your proceedings, and transmit a copy of the register, up to the time at which you may make your communication, for that purpose.

I am, very respectfully,

Your most obedient servant,

SAMUEL S. HAMILTON.

To Capt. DAVID McCLELLAN,

Sub-agent, Choctaws west, Fort Smith, Crawford co., Ark. T.

WAR DEPARTMENT,
Office Indian Affairs, December 2, 1830.

SIR: I have the honor, by direction of the Secretary of War, to acknowledge the receipt of your letter, communicating the result of your mission to the Cherokees, with a copy of your proposition to the Cherokee council, and a copy of the answer.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To Col. JOHN LOWRY,

Mouth of Tellico, Tenn.

WAR DEPARTMENT,
Office Indian Affairs, December 4, 1830.

SIR: I am directed by the Secretary of War to inform you, in regard to your draft for the expense of sending the Seminole boys to the Choctaw academy, (which he has declined to pay, for reasons already communicated to you,) that, before the appropriation made by the treaty can be applied in the way proposed, the chiefs should be consulted, and a paper signed by them,

containing their assent, and authority for him, (the Secretary of War,) as they have no school at the agency, to dispose of the fund for the purposes of education, at some other school in his discretion. The authority required can, no doubt, be readily obtained from the chiefs, through Major Phagan, the agent, and without much delay. You will be pleased, therefore, to obtain and forward it as soon as practicable; and, should the draft above referred to, reach your hands in time to return it with that authority of the chiefs, it will be paid; or, it will be paid if returned at any time thereafter.

Very respectfully, &c.,

SAML. S. HAMILTON.

To his Excellency WILLIAM P. DUVAL,
Tallahassee, Florida.

WAR DEPARTMENT,

Office Indian Affairs, 7th December, 1830.

SIR: I have received your two letters dated 19th ultimo—the one transmitting minutes of the council held at Prairie du Chien, and the other a statement of deficiency and arrearages since September, 1828; also, your letter of 20th ultimo, with an estimate of the probable expenses of obtaining the assent of Illinois Indians to certain treaties, and to aid their removal, &c.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To General WILLIAM CLARK,
Sup. Indian Affairs, &c.

WAR DEPARTMENT,

Office Indian Affairs, 8th December, 1830.

SIR: I have received a letter from General Root, in answer to one which I wrote to him by direction of the Secretary of War, on the subject of the report of the commissioners, &c., in which he states that certain maps, &c., referred to in the report, were to be forwarded by Mr. Hunt, the secretary to the commission. Mr. Hunt has forwarded the accounts, and a description of the country, by A. G. Ellis, esq., but no maps or any other papers referred to in the report has yet been received. It is important to have these maps to lay before the President with the report. I will, therefore, thank you to call Mr. Hunt's attention to the subject, and request him to forward the maps and other papers wanting, as soon as practicable.

I am, very respectfully, &c.,

SAMUEL S. HAMILTON.

To his Excellency LEWIS CASS, *Detroit.*

WAR DEPARTMENT,

Office Indian Affairs, 9th December, 1830.

SIR: I have received your letter of the 7th instant, and in reply to the

inquiry therein contained, have to state, that the annuity due to the Creek nation for this year was placed in the hands of the agent early in the year, and it appears by his returns that the same has been paid to the Indians.

By order of the President the Indian agents have been instructed, in paying the annuities, to make a fair division thereof among all the Indians, according to their respective grades, &c., and to pay to each Indian or head of a family, his or her share, and not to pay the annuities to the chiefs only, as formerly. While this regulation remains in force the drafts of the chiefs on the annuity could not consistently be accepted by the Secretary of War, and paid here, as it would be still recognizing in them a right to dispose of the annuity at pleasure, and without regard to the claims of the common Indians. This was the objection, I presume, to which the Secretary of War had reference, when he gave the answer, he did, to your inquiry respecting the draft in your possession.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To the Hon. H. G. LAMAR,

House Representatives, U. S.

WAR DEPARTMENT,

Office Indian Affairs, 14th December, 1830.

SIR: Your letter of the 7th instant to the honorable D. H. Miller, has been received at this office. I have submitted it to the Secretary of War, with the proper explanations in relation to your account for the rifles shipped to Colonel Crowell, and he has directed the account to be paid. The amount will, therefore, be remitted to you from the Treasury, as soon as the usual forms of office will admit of. There was no disposition here, I assure you, to delay the payment of your account; but until the Secretary of War dispensed with the regulation to which I referred in my former communication, I could not give you any other answer than the one I then gave. I am now, however, happy in being able to communicate to you a more favorable one.

The estimates (embracing the amount of your account for five hundred rifles furnished for the Cherokees) are prepared, and will be sent to Congress in a few days. It is hoped the appropriations required, will be made at an early period of the session; and when they are made, there will be no delay in paying your account for these rifles, also.

I am, very respectfully, &c.,

SAMUEL S. HAMILTON.

To Mr. HENRY DERINGER,

Rifle Manufacturer, Philadelphia.

WAR DEPARTMENT,

Office Indian Affairs, 14th December, 1830.

SIR: I am directed by the Secretary of War, to instruct you to have the rifles, recently shipped to you by Mr. Deringer, when they reach your

hands, well taken care of and preserved in good order, and not to dispose of any of them until further advised by the department.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Col. JOHN CROWELL.

WAR DEPARTMENT,

Office Indian Affairs, 14th December, 1830.

SIR: Your letter of the 10th instant, to the Secretary of War, enclosing one from Mr. Deringer, has been received at this office.

I have submitted the account to which Mr. Deringer refers, with the proper explanations, to the Secretary of War, who has ordered it to be paid. Mr. D. is advised of the decision, and that the amount of his account will be remitted from the Treasury.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To the Hon. D. H. MILLER,

House Representatives, U. S.

WAR DEPARTMENT,

Office Indian Affairs, December 16, 1830.

SIR: In compliance with your order of yesterday, I have the honor to submit the accompanying copies of papers, numbered from 1 to 7, which are all that are on file in this office, embraced by the resolution of the Senate of the United States of the 14th instant, calling for copies of letters, &c., received from the chiefs and head-men of the Choctaw tribe since the conclusion of the late treaty with said tribe at Dancing Rabbit creek.

These papers answer, as fully as it can be done from the information in possession of this office, the inquiries contained in said resolution, as to the number of Indians belonging to said tribe that have emigrated to the country west of the Mississippi since the date of said treaty, and the disposition manifested by said Indians to emigrate according to its stipulations.

In regard to the inquiry, "what number of said tribe had removed west of the Mississippi according to former treaties entered into with them?" I have to state, that by a report received from the Choctaw agent west of the Mississippi, dated 25th September, 1828, it appears that about fifty Choctaws had, at that time, settled on the lands west of the Mississippi, which were ceded to the Choctaw nation by the treaty of the 18th October, 1820. There is no information in this office, that this number has since been increased by the removal of others from the nation to said lands, under the provision made for that purpose by the treaty just referred to, or by the treaty of the 20th of January, 1825; under a stipulation of which, the agency for the Choctaws west of the Mississippi was established. But there is reason for believing, that had the measures which were taken soon after the ratification of the treaty of 1820, to carry into effect its provisions

for emigration, been persevered in, the number might have been considerably increased.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To the Hon. JOHN H. EATON,
Secretary of War.

WAR DEPARTMENT, *December 28, 1830.*

SIR: In compliance with the request contained in your letter of the 20th ultimo, enclosing a resolution of the Senate of Georgia, calling for certain information in relation to the Indian improvements, valued during the agency of Col. Meigs and Governor McMinn, I have the honor to transmit the accompanying abstracts, relating to improvements abandoned by the Cherokees, under the treaties of 1817 and 1819, which were valued during the agency of Col. Meigs, and paid for by Governor McMinn, who, it appears, acted at that time as *special agent*, on the part of the Government, to superintend the execution of these treaties. There is no information in the department that any improvements were valued during the time that Governor McMinn acted as agent for the Cherokees, to which office he was appointed after the death of Col. Meigs.

Very respectfully,

JOHN H. EATON.

To his Excellency GEORGE R. GILMER,
Milledgeville, Georgia.

WAR DEPARTMENT,

Office Indian Affairs, December 30, 1830.

SIR: I request that a requisition be issued in favor of Col. Hugh Montgomery, agent for Cherokees, at Calhoun, Tennessee, for four thousand eight hundred and sixty-eight dollars and eighty cents, for which sum he is to be held accountable; and that the same be charged to the following appropriation, viz.

“For compensation to appraisers of property, abandoned by Cherokees, &c., provided for by 8th article of the treaty of 6th May, 1828, per act of 2d March, 1829, making appropriations for carrying into effect certain treaties with Indian tribes, &c., \$4,868 80.”

I have, &c.,

SAMUEL S. HAMILTON.

To the Hon. JOHN H. EATON,
Secretary of War.

WAR DEPARTMENT, *December 30, 1830.*

SIR: The enclosed estimates, F and G, will afford an answer to the inquiries contained in your letter of yesterday. The amounts asked for in the bill which has been referred to your committee, are not provided for in the

act of 27th February, 1830. They are demands against the Government, arising under special treaty provisions, and which were omitted to be provided for at the last session of Congress. The estimates you will find to be fully explained by remarks, which are endorsed upon each.

I beg leave to submit to your consideration, other estimates here enclosed, having reference to Indian affairs. A considerable amount is due to individuals for demands, arising prior to 1829, and which it has not been in the power of the department, heretofore, to discharge, for the want of funds.

Very respectfully,

JOHN H. EATON.

To the Hon. G. C. VERPLANCK,

Of the Committee of Ways and Means, Ho. of Reps., U. S.

WAR DEPARTMENT,

Office Indian Affairs, December 31, 1830.

SIR: A requisition issued in your favor for four thousand eight hundred and sixty-eight dollars and eighty-cents, on which that sum will be remitted to you from the Treasury, to be applied to the payment of the following claims, embraced in the statement some time since rendered by you, viz.—

Yet due to wagoners, their accounts not yet being presented, according to your statement, - - - -	\$ 702 70
Yet due to assessors and issuing agent, according to ditto, -	2,604 10
Yet due to wagoners for removing emigrants from their residence to the place of embarkation, according to ditto, -	1,077 00
Yet due for piloting boats, tobacco for emigrants, repairs, traveling expenses, &c., according to ditto, - - -	485 00
	\$4,868 80

Estimates have been sent to the Committee of Ways and Means of the House of Representatives, for the purpose of obtaining an appropriation to pay all the other demands, contracted in the execution of the provisions of the late Cherokee treaty for emigration, and yet due according to your statement. When an appropriation is made you will be immediately advised thereof, and the funds required for the purpose just mentioned remitted to you.

I am, sir,

Very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To Colonel HUGH MONTGOMERY,

Cherokee Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, December 31, 1830.

SIR: I have the honor, by direction of the Secretary of War, to return the letter of Mr. Bradford to you, with the information that funds have been remitted to Colonel Montgomery, the agent, to pay Messrs. Bridges and

Hunter, the compensation due to them as assessors of improvements abandoned by Cherokee emigrants.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To the Honorable JAMES STANDEFER,

House Representatives, U. S.

WAR DEPARTMENT,

Office Indian Affairs, December 21, 1830.

SIR: I have, agreeably to your request, submitted the proposals of Mr. Settle to furnish the wheels, looms, &c., to be given to the Choctaws, under the late treaty with them, to the Secretary of War, and he has directed me to say in reply, that nothing can be done towards procuring the articles referred to, until the treaty is ratified, and appropriations made to carry it into effect. The proposals of Mr. Settle are herewith returned, as you request.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To the Hon. R. M. JOHNSON,

House of Representatives, United States.

WAR DEPARTMENT,

Office Indian Affairs, December 22, 1830.

SIR: Your letter to the Secretary of War of the 20th instant has been received.

I am directed by the Secretary of War to state, in reply, that there are at present no contracts to be made for rifles for the Indians—none being required; and, that it depends on the ratification of the treaties recently made with the Chickasaws and Choctaws, whether there will be any to be made for that article, in the ensuing year.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To the Hon. PETER IHRIE,

House of Representatives, United States.

WAR DEPARTMENT,

Office Indian Affairs, December 22, 1830.

SIR: Your letter, acknowledging the receipt of the remittance of \$3,385 60, interest on stock belonging to the Senecas, has been received at this office.

A requisition has been issued in your favor for \$550, to defray the expenses of your superintendency for third and fourth quarters of this year, and payment of annuity due to Young King.

Very respectfully, &c.

SAMUEL S. HAMILTON.

To JUSTUS INGERSOLL, Esq.,

Superintendent New York Indians.

WAR DEPARTMENT,
Office Indian Affairs, Dec. 23, 1830.

SIR: I have, by direction of the Secretary of War, to acknowledge the receipt of your letter to him of the 20th inst., and to state in answer thereto, that the treaties with the Choctaws and Chickasaws, to which you refer, have not yet been ratified; and that until they are ratified and appropriations made to carry them into effect, no steps can be taken to procure the rifles and other articles to be furnished for the Indians, agreeably to the provisions of these treaties.

Your long experience in the manufacture of rifles for the Indians, is well known to the department, and it will, no doubt, be duly considered in any contracts that there may be to make for supplying that article.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Mr. HENRY DERINGER,
Rifle Manufacturer, Philadelphia.

WAR DEPARTMENT,
Office Indian Affairs, Dec. 27, 1830.

SIR: In compliance with the request contained in your note of this morning, I have the honor, by direction of the Secretary of War, to transmit, herewith, Lyons's survey of the boundaries of the lands ceded to the United States by the treaties of 1829, at Prairie du Chien.

Very respectfully,

SAML. S. HAMILTON.

To ELIJAH HAYWARD, Esq.,
Commissioner of the General Land Office.

WAR DEPARTMENT,
Office Indian Affairs, Dec. 31, 1830.

SIR: I have submitted your letter of the 27th inst., enclosing papers relating to the cases of three Cherokees, (who have been dispossessed by certain white men of the reservations of land taken by them under the treaties of 1817 and 1819,) and claiming indemnification, &c., to the Secretary of War, and he has directed me to say, in reply, that he has no authority to interfere in cases of this kind; that they appear to have been decided by a judicial tribunal, and, if the parties now have any equitable claim to indemnity, Congress only can afford relief.

The papers are, herewith, returned.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To W. C. COODY,
Of the Cherokee Nation.

LETTERS FROM AGENTS AND OTHERS.

INDIAN AGENCY, COLUMBUS, OHIO, *May 27, 1830.*

SIR: I have just returned from visiting the principal Indian settlements under my charge. Since my appointment, I have made it a rule to visit them as often as consistent with my other duties. My present tour was for the purpose of settling disputes between the whites and Indians; to instruct and encourage the Indians in agricultural pursuits; to see that the iron, and other articles I had forwarded to the Indian settlements, was safely delivered; to ascertain when the Delawares would be ready to remove; and to see that all employed in the agency were doing their duty, &c., &c.

The Indians, this season, are cultivating almost double the quantity of ground that they have done in any former year. I have been acquainted with the Indians in Ohio since a boy, and can truly say that I have never known them so industrious as they are at present. They say they will no longer depend on the game for a subsistence.

On the 2d ultimo, I drew on the Secretary of War for two thousand eight hundred dollars, for the purpose of removing the Delawares. I done so on account of their assuring me last winter they would remove early in the spring; but, when I called on them, they said they were not prepared to remove; and gave, as a reason, that three of their friends were far gone with the consumption, and that they would not leave them, while alive, in the care of any one; and further, that their friends from Canada had not arrived as they expected.

I have sent one of the interpreters to Canada for the Delawares, who, it is said, wish to emigrate with those of this State. I have done, and am doing, every thing in my power to persuade the Delawares the sooner they remove the better for them, and all that man could do under existing circumstances.

I know if nothing else will do that I can measurably force them off; but this step should be the last resort. What makes the removal of their people somewhat tardy, is in consequence of there being but a small remnant of them in this region; and they cannot bear the idea of leaving a single one behind: however, the chiefs have pledged themselves, let what may happen, that some time in August they would assemble their people at Wapaghkonetta, one of the outmost Indian settlements, and there remain until they commence their journey.

As it has so turned out that I have not been able to remove the Delawares this spring, I hope the department will attach no blame to me on that account; and, if necessary, I can make it appear to their satisfaction it is no fault of mine. I regret that I have drawn for the funds to remove them; and, had I been convinced they were not prepared to go, it might have been delayed for a month or two longer. But being assured by them that they would remove in the forepart of the summer, when I made arrangements with the bank in this place to furnish the specie for the Indian annuities, and

other funds for this agency, I considered it best at that time to draw funds to remove the Delawares; which funds will remain in the bank until they assemble at some point, and are ready to remove.

In your letter of the 12th instant, you observe that I may appoint Mr. McPherson interpreter for the Shawnees and Senecas of Lewistown, if I think it necessary and proper to do so. An interpreter at that place is much needed; and I was anxious some time ago to get permission to appoint Mr. McPherson; but, since that time, I learn he has sold liquor to the Indians, and lately influenced a party of the most worthless of them to threaten the life of the sub-agent, Mr. Robb, which prevented him some days from going among them, and until I went and had an interview with the chiefs and head-men of the place. I will make strict inquiry, and find out whether these charges against Mr. McPherson are true or false: if false, I will appoint him; if true, he is not to be trusted.

The Senecas of Sandusky are anxious to be off, and will do no good while they remain here. At the proper time, I advised them to prepare for planting corn for their support another season, provided Congress made no appropriation for their removal; but I could prevail on but few of them to do so.

Things go on smoothly in this agency: except the small affair above stated, perfect harmony has prevailed since my appointment; and since I have seen the few drunken, worthless Indians that threatened Mr. Robb, they have promised me never to be guilty of the like offence again: and I hope to do my duty to the satisfaction of the department.

I am, &c.,

JOHN McELVAIN, *Ind. Agent.*

Col. THOS. L. McKENNEY,

Indian Department, Washington.

CHOCATAW NATION, *June 2, 1830.*

FRIEND AND BROTHER: Your communication of the 1st ultimo, to our friends Mingo Mushulatubbe and Major John Pitchlyn, has been fully made known to us in general council of the northeast and southern districts. We have also heard the talk of our great father, the President, to our old interpreter, Major Pitchlyn. We are truly happy, that the proposals which were prepared by a few designing men in the nation, and sent to our great father by D. W. Haley, have been considered inadmissible, and that commissioners will be appointed to come and treat with us for our lands. We are now fully confident, that ere long all things will terminate in giving general satisfaction to all parties in the nation; that the poor as well as the rich will receive their just rights; and that those who would wish to usurp the rights of the poor Indians, may not be able to carry on their odious projects. As it would be useless at this time to make any more remarks respecting Folsom and Leflore, we shall decline saying anything about them; but, however, it would be well for you and our great father to know, that Folsom, the former chief of the northeast district, has lost entirely the confidence of all the captains and warriors of the southern, as well as the district he lives in, with the exception of a few, and they are such as those who joined the missionary church, and are related to him; but even these are fast leaving him. Leflore has no influence beyond the limits of the dis-

strict in which he rules as chief. Mingo Mushulatubbe and Netuchache, have been unanimously acknowledged by all the captains and warriors of the aforesaid districts as principal chiefs, and accordingly invested with full power to act in that office; but of this you doubtless have been informed by your agent, Col. William Ward, whose report will confirm what we wrote you from the council at Yarmblice Old Towns. We are termed the republican party, and Leflore, the despotic. Our party has nearly double the power or number of warriors over Leflore's, and we are daily increasing in number. We are truly proud to inform you, that our most intelligent white brethren, who have any knowledge of our cause, have commended our proceedings, and have enlisted their feelings in our behalf. We are advised not to desist, but to persevere in our cause; and finally, to establish, when we may be so situated as to allow it, a government similar to that of the United States, under which our people may flourish, and be perpetuated as a nation.

As we have no knowledge of our country west of the great river Mississippi, we have concluded, in council, that we would send a delegation of sixteen men to explore it; but unfortunately we have not funds to defray their expenses. We therefore entreat our great father to furnish us funds sufficient to defray the expenses of said delegation; and, so soon as we are informed of the nature of said country, we shall then feel perfectly willing to meet commissioners and treat with them. But in the present case, to dispose of our country here, and to emigrate to one of which we have no knowledge, would be acting, as we think, unwisely. In this, we hope our great father will not consider us unreasonable, and that he will extend to us his beneficence. If our great father agrees to the above proposition, and thinks it necessary to appoint an agent to conduct the exploring delegation, we would be glad for him not to give that appointment to D. W. Haley; for we know he is not qualified to fill the appointment, and, besides, we have no friendship for him. We, the head-men and Mingoes of the northeast and southern districts, wish that all communications made to us from our great father, the President, hereafter be directed to Mingo Mushulatubbe, Netuchache, and Major John Pitchlyn.

We are, your friends and brothers,

MUSHULATUBBE, } *Principal Chiefs.*
NETUCHACHE, }

EYAH-OK-AR-TUBBEE, } *Speakers of the Council.*
EYAH-CHAH-HOPIA, }

UN-NAH-UB-BEE, } *Chief of the Six Towns,*
} *but under Netuchache.*

HO-LUB-BEE, *Major.*

Ne-nok-cha-tah,	Hopia-Un-chah-hah-ub-bee,
Tub-pa-nar-Homma,	Ar-to-na-mas-tub-bee,
Unp-pa-lar,	Hossia Homma,
Ts-kif-far-Chitto,	Hosh Hopia,
Me-shanh-bee,	Cop-pa-tun-ni-thlok-ko,
Us-sa-tah-Homma,	Hash-shi-Hom-ma,
Nulth-it-ubbee	Cho-ar-lar-Hom-ma,
Tus-sar-har-Homma,	Paush-far-lar-ub-bee,
Pit-tar-mar-Hopia,	Hopia-Tubbee,

Tish-sho-Chil-la-tar,	Hok-loon-tubbee,
Une-mok-lush-shah-Hopia,	Hit-tok-lub-bee-tush-kar,
Us-sok-ka-Tub-bee,	Mingo Far-lar-ya,
Isaac James,	Tush-shi-ki-Clah-tah,
Ok-been-lar,	Adam Folsom,
Is-sul-bah,	Thomas Wall,
John McKenney,	Hopia Mingo,
Is-ton-nok-kar-Hoomma,	Netuchache,
Joseph Kincaid,	Nok-is-tub-bee,
Hash-she-ma-tar-Hah,	Hol-bar,
Koe-Hoomma,	Tush-kar-har-cho,
William Wade,	Tish-o-mingo,
Chah-tak-ma-ta-haw,	James Madison King,
Pis-tam-by	Ho-shi-Hoomma, the 2d,
Ko-wey-Homma,	Ut-to-koon-tubbee.
Talking Warrior,	

We certify, that the above is the talk of the principal chiefs and head-men of the northeast and southern districts of the Choctaw nation.

JOHN PITCHLYN, *U. S. Interpreter*,
M. MACKEY, *U. S. Interpreter*,
P. P. PITCHLYN, *Sec. of the Council*.

To Hon. J. H. EATON, *Secretary of War*.

CHEROKEE AGENCY, June 8, 1830.

SIR: Having learned on the 16th June ult. that Captain Brady had arrived in the southern part of this nation, with two companies of United States' troops, for the purpose of removing the intruders off the Cherokee lands, I set out on the 18th, and, on the 21st, met them at the ridge which divides the waters of the Chatahoochee from Coosa; and, believing that the most formidable trespassers were the gold diggers, we set out on the 23d for the mines, and on the 28th arrived at Mr. Scudder's, on the Federal road, and within about twenty miles of them, where we halted, and Captain Brady sent on notices for the trespassers to desist and remove out of the nation, and after giving them a few days to do so, we moved to the centre of the mines, and on the third commenced burning their huts and destroying their machinery. Most of them went away without murmuring; but some showed considerable ill nature, and, it was said, made various threats against the Indians, and said, if they found them digging they would shoot them; others talked of refusing to go, and resorting to the law, and have the officers arrested; others, of resorting to the writ of habeas corpus, if taken by the troops, and being brought before Judge Clayton and discharged. But all seemed to be quiet when I left, and Capt. Brady talked of continuing on the spot for eight or ten days, until they had entirely left the place and the ferment subsided; after which, he would fix on some place in the neighborhood for more convenient and permanent quarters, and send out detachments round the nation, and remove all intruders.

Respectfully, your obedient servant,

H. MONTGOMERY.

Hon. JOHN H. EATON,

Secretary of War, Washington City.

CHEROKEE AGENCY, *June 10, 1830.*

SIR: By the last mail I received your letter of the 15th May ult., enclosing a letter from Mr. Walker to Judge White, on the subject of Captain Sharp's contract for furnishing rations for the emigrating Cherokees; and respectfully report, that when the contract was let, there were the following bids, viz.:—E. Bates, 9 cents per ration; James Cowen, 7; James Gillaspy, 6½; Edward Sharp, 6; John L. McCarty, 5¾; Jacob Sharp, 5½; Jephth Sevels, 5¼; and W. Blalock, 5; the ration consisting of 1 lb. salted pork, or 1¼ lbs. salted beef, and 1¼ lbs. sifted corn meal. The two last offered securities that were not sufficient, and, they failing to give others, the contract was given to Captain Sharp, who was the next lowest bidder, at 5½, and John L. McCarty became his partner, and they gave ample security.

For the first year, as the requisitions were small, and provisions plenty and cheap, I think they suffered no loss, but made a little. Pork was then from two to two and a half dollars per hundred, but in last year it rose from three to four dollars per hundred, and very scarce at that, and the requisitions being much larger, they could not procure it in the neighbourhood, but had to drive it some distance; I have therefore no doubt but they suffered considerable loss. They say \$300, besides expense and trouble. How they will come off next fall, is quite uncertain; but if Congress makes the necessary provision, they have a right to expect a large requisition, and, at the present price of provisions, they must certainly sink under the present contract. At the time the contract was let, I did not expect it to go for less than seven cents, nor can I say I wished it; for I did not believe the ration could be furnished for less, and even at that price they would be likely to lose in some scarce years, such as last, but in others, and most generally, they would save at least enough to pay expenses and trouble.

Respectfully,

Your obedient servant,

H. MONTGOMERY.

HON. SECRETARY OF WAR,
Washington City.

DELHI, NEW YORK, *June 16, 1830.*

SIR: By last evening's mail I received official notice, through Colonel McKenney, of my appointment in the commission to Green Bay. I know not whether I may expect any further advices from your department before my arrival at Detroit; unless further advised, I shall calculate on being in that city by the 15th of July.

I have, &c.,

ERASTUS ROOT.

Honorable JOHN H. EATON.

ST. LOUIS, *June 16, 1830.*

DEAR SIR: It appears that unusual difficulties in the accomplishment of peace between the tribes—Sacs, Foxes, Sioux, and others—are thrown in my way, since the over-zeal of Mr. Warner, for the want of knowledge and ability, was the cause of the Fox chief's being killed, which has afforded a

plea for the Sacs and Foxes to decline going to the council at Prairie du Chien. I am just informed that a large party of white men, from the country about Galena, crossed over and took possession of the Fox mines, called Dubuque's mines, immediately after they (Foxes) had moved from that place. I this day called upon General H. Atkinson for a force to move those intruders, as well as some others on the Delaware and Kickapoo lands; and my health is very bad, yet I shall set out in a few days to the prairie, and endeavor to do something to prevent the coming storm. I hope to receive a letter to-day, in answer to mine of the 17th ultimo; shall write more fully by the next mail. The Sac agent came here day before yesterday with the first chief and the two first war-chiefs of the Sac and Fox nations, viz. Slaber Keokuck Waubaloes, or Little Prince, Morgan, and Ioway. They gave me the decisions of their tribe to my last message to them, which is in substance, they will not go to Prairie du Chien, would meet at Rock Island: that they had numerous allies; were not willing to make peace; but wished to follow the counsel of their great father, the President, in all things which they can conveniently. I shall answer them to-day, and send you the talk and my answer. The Kickapoos are complaining of the intrusion of the whites, and are willing to exchange their lands in this State. I cannot keep those people away; they will not have the desired confidence in their agents, and give me a great deal of trouble.

Yours, &c.,
WM. CLARK.

To Colonel McKENNEY.

Your communications will be forwarded to me by Mr. Kennerly after I leave this place.

Statement of Wynkoop Warner, Sub-Indian Agent for Sac and Fox Indians, Upper Mississippi, made at the request of Thomas Forsythe, Esq., Indian Agent for Sac and Fox Indians.

On or about the 3d of April last, being at the village of Prairie du Chien, I was invited by General J. M. Street, United States' agent for the Winnebagoes, to set with him in council with the chiefs Wacond and Coremone, and others of the said Indians. Joseph Rolette being the English interpreter at said council, General Street delivered a peace-talk to the Winnebagoes from Fox Indians of Dubuque's mines. In that talk, which was written, the Foxes disclaimed having committed any injuries on the Winnebagoes, but attributed them to the Sacs. That wampum was handed to the chief in council, which was conditionally received, to be delivered to the injured individual of the Winnebagoes; the chiefs Wacond and Coremone, after replying to General Street, told me to say to the Foxes, that if they would set a time, they would meet them at Prairie du Chien for the purpose of settling their difficulties, that they were willing to become friendly, that they need not be afraid to come to the prairie. On my return home a few days afterwards, I went over to Dubuque's mines, and found nearly all the Indians drunk. I immediately recrossed the river, but the Indians understanding the object of my visit, sent a deputation to request me to wait for them until morning, when they would all get sober and come over to see me.

They accordingly came over, when I delivered the message from the Winnebagoes, as above stated, and, after consulting among themselves, they agreed to go up to the prairie; they wished me to be there with them. I then appointed the 24th of April for them to leave Dubuque's mines. I immediately wrote to General Street that we would be at the prairie on or about the 28th. Agreeably to appointment, I went to Dubuque's mines on the 24th, the Indians then asked me how I was going up? The reply was, that if I could get no other conveyance I should have to go with them; they said they would be ready the day after to-morrow, (26th,) on which day they sent over the Kettle-chief to Dubuque's, where I was waiting, to tell me that they were not ready yet. Mr. Dubaugh, who was my interpreter, expressed some doubt whether they would go up or not. I told the Kettle-chief that a canoe would leave there that evening; that I would go on to the prairie, as it was necessary for me to be there on the 28th, in which he perfectly acquiesced. I arrived at the prairie on the 28th, General Street inquired if I had received a letter from him, to which I told him I had not; he said that he had written to me to inform me the Indians had better not come up, as there were some bodies of Monominies there who had refused to receive wampum from the Foxes. After waiting at the prairie three or four days, and the Indians not coming, I took passage in a steamboat, stopped at Cassville, inquired of Messrs. Wayman and Holly if they had heard of any Indians going up the river? They replied in the negative. I requested them to tell the Indians, should they arrive at Cassville, that they had returned; that I had come down; that there were no Winnebagoes at the prairie, but a few bodies of Monominies. I have since been informed by Mr. Wayman, that Mr. Holly delivered my message to the Foxes, but they paid no attention, and proceeded on. The steamboat, probably, passed them in the night, so that I did not get to see them on my way down to Galena. From the Indians not arriving at the prairie before my departure, and from the message left for them at Cassville, in case they should be on their way, I was perfectly confident that they had entirely declined, or would decline visiting the prairie. I was, consequently, much surprised, when, on the 7th of May, I received a letter from Morgan, giving an account of the unfortunate battle near the entrance of the Wisconsin.

W. WARNER.

Sworn and subscribed to before me, Moses Meeker, a justice of the peace in and for the county of Jo. Davis, State of Illinois, this second day of June, 1830.

MOSES MEEKER, *J. P.*

ROCKY ISLAND, *June 4, 1830.*

SIR: At the request of the Fox Indians, who formerly resided at Dubuque's mines, I wrote to Capt. Warner to prevent any persons from injuring the Indian bark-huts at that place, or to work any mines on the Indian lands; that, if he could not prevent them from working the mines on Indian lands, to call on the officer commanding Fort Crawford for assistance. For your information, I enclose you Capt. Warner's letter, which I received this day by the steamboat Galena, but had not time to write you by her. It will not be many days before the Fox Indians, now in this vicinity, will hear of

the white people intruding on their country, and I tremble for the consequences. It appears that every thing tends to prevent the treaty taking place. The Indians I invited to a feast, will not be here until Sunday.

Respectfully, &c.,

THOMAS FORSYTHE.

Gen. WILLIAM CLARK,

St. Louis.

GALENA, *June 3, 1830.*

DEAR SIR: Since writing you, I was disappointed in getting a horse, and have deferred going until morning. I have the promise of two men to take me up in a canoe. I have since understood, to a certainty, that there are at least one hundred men mining in the Indian country, and are determined to remain there. I will, on to-morrow, go and order them to leave there. I have hired a guide to show me where they are, but my belief is, from what I can hear, they will laugh at me. Rumor says, that Mr. Gratiot has gone over, with forty men, to take possession in the name of the claimants, John Smith, and others, and that it has been a concerted plan to dispossess the Indians for that purpose; if, sir, they refuse to go, I shall send express to Col. Taylor, and inform him what your instructions are; for I think it a most flagrant outrage, and a breach, that we should *not* suffer imposed on the Indians. I would be glad to hear from you as early as possible.

Very, &c.,

W. WARNER.

Mr. FORSYTHE.

ROCKY ISLAND, *June 9, 1830.*

SIR: I yesterday gave the feast to the Indians, and said much to them about going up to the treaty, to be held at Prairie du Chien, but all to no purpose. These Indians told me, in answer to what I said to them, that the white people had invited them twice to go up to Prairie du Chien to treaties, and they went up; that their relations, the Fox Indians, above this, had been invited to go up to the same place this spring, and the white people killed them; that it was impossible for them to walk over their dead relations to go to Prairie du Chien, to smoke with their enemies; that they did not despise my feast, or your words, or mine; but on this island was the council fire of the Sauk and Fox Indians, and here they would counsel, and no where else; that you had told them, after consulting among themselves for three or four of their people to go down to see you; accordingly, Keokuck, Morgan, and two chiefs, were appointed for that purpose; they go down at your request, and it is impossible, on my part, to prevail on any of the Sauk and Fox Indians to go up to Prairie du Chien. When you see these Indians, they will give you every information you may require. As yet, the Indians have not heard any thing of the white people being at their mines; and I have not heard, as yet, if Col. Taylor has sent any troops at the request of Mr. Warner.

Respectfully, &c.,

THOMAS FORSYTHE.

Gen. WILLIAM CLARK,

Sup't Indian Affairs, St. Louis.

ST. LOUIS, *June 14, 1830.*

SIR: I arrived here yesterday, at the instance of the Sauk and Fox chiefs now here, and who would not have come down had I not accompanied them; their business here is to give you a definite answer about going up to the approaching treaty, at Prairie du Chien.

Previous to my departure, some days, from Rock Island, I was well informed, that a number of persons from the east side of the Mississippi river, and about the vicinity of the lead mines, near Fever river, have crossed over to the west side, and taken possession of the Indian mineral lands, commonly called Dubuque's mines; the Indians now here, with whom you have some particular business, know nothing of this intrusion of the whites, otherwise blood most certainly would be shed before this; and I thought you would prefer settling one affair before commencing another. Permit me to observe to you, that the Sauk and Fox Indians are sufficiently soured against the whites, by their people having been killed going to Prairie du Chien last month, on an invitation of some of the Government agents. You must know what will be the consequence when they are informed that their mineral land is occupied by the whites, and permitted to remain. If drove off the Indians will then say, that the Government is friendly disposed towards them. This, in my opinion, is the moment for the Government of the United States to show their affection towards the Sauk and Fox Indians.

Respectfully, &c.,

THOMAS FORSYTHE,

Indian Agent.

Gen. WM. CLARK,

Supt Indian Affairs, St. Louis.

SUPERINTENDENCY INDIAN AFFAIRS,

St. Louis, June 19, 1830:

SIR: On the 25th of April last, I despatched Mr. Bean, sub-agent for Sioux and other tribes in the upper Missouri, with instructions to proceed to those tribes, and also to the Mahas and Ottoes for the purpose of preparing deputations from them, and to proceed across the country to Prairie du Chien, at which place, I would meet them on the 4th of July. Mr. Bean was likewise furnished with my talk to the Ottoes, Mahas, Santies, and Sioux. By him I also wrote to Mr. Dougherty, informing him of the views of the Government in relation to the proposed meeting at Prairie du Chien, and of the arrangements I had made for carrying them into effect; directing him to assist Mr. Bean, and to instruct him, as to the most speedy mode of collecting the deputations required. Copies of the letters to Messrs. Bean and Dougherty, and also of my short introductory talk to the Mahas, &c., are herewith enclosed.

The Ioways and Sacs, of General Hughes's sub-agency, were notified of the intended meeting at Prairie du Chien, and told to hold themselves in readiness on the return of their sub-agent from Washington City. General Hughes returned, and after settling his accounts at this office, proceeded on the 12th instant to his sub-agency, bearing with him my instructions to prepare some of the principal chiefs and braves of the Ioway tribe and band of the Sacs under his charge, and to proceed with them across the

country so as to reach Prairie du Chien by the 4th of July, the object of which movement he was fully instructed to communicate to his Indians.

On the 16th instant, Mr. Dougherty arrived at this place, bringing with him forty-seven of those Indians whom I had instructed Mr. Bean and General Hughes to take across the country to Prairie du Chien, (among them were eighteen Ioways and six Sacs,) and for the conveyance of whom, to the treaty ground, there now remains with me no other alternative, at this late stage of the business, than to pay their passage in a steamboat from this place to Prairie du Chien; and which will probably involve the necessity of bringing down about half of them in the same way, which will, of course, subject me to the expense of provisioning them at this place, and on their return home; besides many other expenses incident to, and unavoidable in, the assemblage at this place of so many Indians from so great a distance.

Mr. Dougherty expresses an opinion that Mr. Bean will most probably not succeed in getting deputations to accompany him across by land, on account of their small numbers; and yet he has brought with him nearly one-half of the whole number which it was expected would compose the party across the country. I have but little doubt myself, that deputations from the three upper bands of Sioux and Mahas will accompany Mr. Bean and my son across the country to the place of meeting.

As this change in my plans and arrangements will most probably increase the expenses of my negotiations, with which I have been charged from one to two thousand dollars, I have thought it my duty to show to the department the arrangements I had made, and the alterations in them, which must necessarily follow, in consequence of this step of Mr. Dougherty's, that it may be prepared to meet the additional expense, and the cause may be properly accounted for.

With sentiments, &c.,

WM. CLARK.

The Hon. JOHN H. EATON,

Secretary of War.

SUPERINTENDENCY INDIAN AFFAIRS,

St. Louis, April 25, 1830.

SIR: The instructions of the War Department, relative to the proposed pacification of the Indian tribes of the Mississippi and Missouri, having been communicated to you, you will be pleased to proceed, with all possible despatch, to the Upper Missouri Agency, and report yourself to Major Dougherty, who will instruct you as to the most speedy mode of collecting a deputation from the Yankton Sioux, Santies, Mahas, and Ottoes, with whom you will proceed to Prairie du Chien, for the purpose of hearing the *message* of the President of the United States to those tribes who are now waging a bloody war against each other. This message will be delivered by the commanding officer at Prairie du Chien. Mr. Dougherty is directed to give you such further instructions in this matter, as his judgment may dictate; and to afford you such aid as his circumstances or the exigencies of the case may require.

It is highly desirable that the deputation which may accompany you, may reach Prairie du Chien by the 1st or 4th of July next at furthest.

My son will accompany you, and will, I hope, afford some assistance.

You are furnished with five hundred dollars for your necessary and unavoidable expenditures on this mission; in the disbursement of which, it is confidently hoped, you will use the strictest economy.

Wishing you a successful result in your mission, and a prosperous and speedy journey.

I am, &c.,

WM. CLARK.

MR. JOHN L. BEAN,

Sub-agent Indian Affairs.

Your accounts for expenditures, on this trip, will be settled by you at this office, or with me at Prairie du Chien, where I expect to meet you with Indian deputations from Missouri.

ST. LOUIS, *April 24, 1830.*

MY CHILDREN: I send my words to be delivered to you by your agent; I hope you will do as he advises you. I also send one of my sons, and his friend, Mr. Pope, to see you, and go with you to Prairie du Chien, that you may hear the words of your great father, the President of the United States, to be delivered by his commanding officer at that place, to his red children who have been at war with each other.

My Children: As I am anxious to see you at peace and in the enjoyment of happiness, I will go myself to Prairie du Chien, and meet you there sixty-five days after this day, (or in two moons,) and talk with you and my other red children, and will endeavor to fix your limits, and arrange all business between you and the Mississippi tribes.

My son, who will accompany you, will afford an assurance that no injury will be done to you by your enemies whilst with him.

Your old friend,

WM. CLARK.

To the O'MAHA TRIBE.

SUPERINTENDENCY INDIAN AFFAIRS,

St. Louis, June 19, 1830.

SIR: On the 26th ultimo, I wrote to you on the subject of the feelings and dispositions of the Sac and Fox tribes, as communicated by their agent, and through a deputation of twelve of their principal chiefs, who visited me at this place, and that I had sent the deputation back to their tribes with my answer to their talks, and such explanations, &c., as were believed to be necessary and suited to prepare those tribes for a meeting with their enemies at Prairie du Chien, on the 4th of July, the time fixed upon for the commanding officer to deliver the message of the President to them, with an understanding that the result of a general council of their tribes assembled, should be made known to me through their agent, &c., &c.

Mr. Forsythe arrived here on the evening of the 13th inst., accompanied by five of the first chiefs of the Sac and Fox nation, who delivered me the enclosed talks, which I answered in a way suited to the state of their feelings, and the importance of the subject.

Those Sacs and Foxes have more national character than any tribes we have within this superintendency, and a firm and decisive course is necessary to be pursued with them.

They appear decisive and firm in their opposition to meet their enemies in council, except at their own agency, and are not willing to make peace, under the assurance they have of their neighboring tribes joining them in a destructive war against the more western tribes of Sioux, Mahas, Ottoes, &c., who will all be involved in the general contest, and compelled to give way and fall back. I have no doubt of the Winnebagoes, Chippewas, Ottaways, Pottawatamies, Kickapoos, and Ioways, joining the Sacs, if they are not restrained by interest or the fear of the displeasure of the Government.

The course which will be pursued, will, I hope bring those restless tribes to a true sense of their situation, and stop the Indian war on our borders; as I expect to change the tone of those Sacs and Foxes, and have but little doubt of their following me to the treaty, when they discover that I have gone up to Prairie du Chien.

Other difficulties have been thrown in my way of accomplishing the objects of reconciliation between the Indians, and restoring their confidence in the whites.

A few days ago I was officially informed that a large party of white men, from the country about Galena, in Illinois, had crossed the Mississippi, and taken possession of the Fox Indian villages at Debuque's mines, (see letter,) which were abandoned by the Foxes, who had moved down only a few days previously under the protection of Fort Armstrong, and after their chief, Piemansky, was killed by the Sioux. I have called upon General Atkinson to send a *force* and dispossess those intruders. My application will, I have no doubt, be attended to by the general.

I am, &c.

WM. CLARK.

To Colonel McKENNEY, *Indian Department.*

SUPERINTENDENCY INDIAN AFFAIRS,

St. Louis, June 21, 1830.

SIR: My bill of exchange of this date, drawn upon you, in favor of *Henry S. Coxe, esq.*, cashier of the branch of the United States' Bank, at St. Louis, or order, for *two thousand dollars*, is on account of Indian presents, purchased under the authority of your letter of the 26th of May last, to aid in effecting peace among the Indians of the Mississippi, and to be used for that object.

With great respect, &c.,

WM. CLARK.

The Hon. JOHN H. EATON,
Secretary of War.

SUPERINTENDENCY INDIAN AFFAIRS,

St. Louis, June 21, 1830.

SIR: I have the honor to enclose to you, herewith, a report from Mr. Sanford, of the 20th inst., on the subject of some of the bands belonging

to his sub-agency being permitted to visit the President of the United States. I have been long since of the opinion expressed by Mr. Sanford, that a visit from some of the principal men of each of those bands and tribes, would be attended with the most beneficial effects, and only regret that the consideration of the subject has necessarily been postponed till now.

If a visit from a few of those Indians could be sanctioned, at the time proposed by Mr. Sanford, it would, in my opinion, create an entire change in their feelings and dispositions towards the American people.

As Mr. Sanford is now on his way to Washington City, he will have the honor of communicating his views more fully on the subject.

With high respect, &c.,

WM. CLARK. J

Hon. JOHN H. EATON,
Secretary of War.

ST. LOUIS, June 20, 1830.

SIR: The Indians of my sub-agency on the Upper Missouri, in the frequent councils which I have had with them, always expressed a most ardent desire to visit you, the President, and the country of the whites. I have uniformly declined expressing any opinion to them on the propriety of their request, nor have I given them any hopes of their wishes being complied with, until last spring, when I told them, at their *request* and *solicitation*, I would make known to you and the President their wishes upon this subject; previous to which time, I have uniformly told them of the great and many difficulties which lay in the way, distance, number of hostile tribes through which they had to pass, the great expense, &c., all of which did not prevent them from making a similar request in my last talks with them; and, in order to get clear of their importunities, I consented to be the bearer of their wishes to you and the President. They appeared thankful for my compliance, and entertain strong hopes that I will bring back with me the joyful news that their great father has listened to their wishes, and that a deputation of their chiefs and braves will be permitted to visit him.

I am most decidedly of the opinion that this measure would be attended with happy consequences, and the most beneficial results to our citizens; and would most effectually put a stop to the murders and robberies which are continually perpetrated upon our defenceless citizens in that country; and who are engaged in the pursuit of an occupation which is recognized and made lawful by the laws of the Government, and which, as yet, has never had that protection that it deserves, or which the Government ought to give it.

The only Indians of that country who have ever had a deputation amongst us, are the Mandans, one of whom yourself and Capt. Lewis brought with you, on your return from your arduous and hazardous trip to the Pacific; the good effects of which deputation is yet felt and perceived by their uniform good conduct towards our citizens; since which time, they are the only nation, within my agency, upon the Upper Missouri, whose hands have not been dyed with our blood, whenever inclination or caprice prompted them, and which, I know, is mainly attributable to the visit of their principal chief.

I would respectfully and earnestly recommend, that a deputation from

each of the tribes within my agency should be authorized. The good to our commerce which would result from a measure of this kind, I am convinced, would more than compensate the Government and its citizens, for any expense they might incur in the execution of it. The expense of bringing them from their various tribes to this point, would be comparatively trifling, and I can accomplish it without much difficulty or danger. If your views agree with mine upon this subject, and the Government authorizes it, I can have them here by the middle of January next, and in time for them to see our national council in session, which would be very important. I would recommend a deputation from the following tribes and bands, viz.:—the Arikaras, Mandans, Gros Ventres, Crows, Assinaboins, Knisteneaux, and from the band of Tanetonies, between the Mandans and Arikaras. Several of them, you will observe, are Indian tribes, who have always been actuated by the most unfriendly and hostile feelings towards our citizens, and who, until the last two or three years, never had any intercourse with the citizens of the United States; but whose friendship is indispensably necessary, in order to an extensive and profitable prosecution of the Indian trade. Owing to their remoteness, wandering life, habits, &c., &c., the Government can never chastise or punish them as they deserve, for the murders and robberies committed upon its citizens; the disposition to do which, has never as yet been evinced by the Government, to my knowledge, except at an immense expense. I think it therefore advisable to cultivate and gain their friendship, or, at least, *neutrality*, by other means; the most effectual of which is, to authorize a respectable deputation of their chiefs and braves to visit the United States, in order that they may be convinced, which all my logic has never been able to effect, of our decided superiority, the folly of their seeking our enmity, and, by kind treatment and a proper distribution of presents, to secure effectually the goodwill and friendship of the deputation, and who will, on their return to their nation, exercise and use all their influence, for the good of our citizens and its Government.

I might use, or give, many more reasons in support of this measure; but your superior judgment, in matters of this sort, warns me to put a stop to them, as you are, and must be, well aware of the good or bad effects of the measure proposed, upon Indians situated as mine are.

Very respectfully, &c.,

J. F. A. SANFORD,

Sub-agent Indian Affairs, Upper Missouri.

Gen. WM. CLARK,

Superintendent Indian Affairs.

SUPERINTENDENCY INDIAN AFFAIRS,

St. Louis, June 21, 1830.

SIR: I had the honor, on the 19th, to inform you of the arrival at this of Mr. Forsythe, on the 13th instant, accompanied by Keokuk, Morgan, and Wabelou, the head chief of the Sac tribe, and two other braves. They came to inform me of the result of the council held lately by their nation, on the subject of the meeting at Prairie du Chien, to which place they were determined not to go. This determination they expressed in council the day after their arrival. Indisposition prevented me from answering them until two days after. Both talks are herewith enclosed. The next morning after I had delivered my answer, we had another talk; and in answer to

what I then said to them, they expressed a wish that I would stop at Rock Island, on my way up, and see the widows and families of those who had been killed, and shake hands with them; that it would enable them, (the chiefs,) to do more than they otherwise could: I told them if it was in my power to do so, I would, but that I could not promise them.

Those Indians will, I have no doubt, attend the treaty; particularly as I gave them to understand, in my last talk, that I was perfectly indifferent whether they attended or not.

I have just received your letter of the 7th instant, relating to the removal of Mr. Forsythe, and the appointment of Mr. St. Vrain: Mr. Forsythe has just been notified of his removal.

You have not instructed me as to the manner in which I am to procure the necessary funds for the expenses of the treaty, &c.

With great respect, &c.,

WM. CLARK.

Col. McKENNEY.

Talk of Gen. Clark to the Sacs and Foxes in council, June 16, 1830.

MY FRIENDS: I have been very unwell for the last two days: I am still so, but will endeavour to say a few words to you. I had heard of the loss sustained by your nation: I hear it again from yourselves, and the recital fills me with the deepest sorrow.

My friends: I tell you that the *manner* in which those men lost their lives, causes me to regret the occurrence much more than if they had been a war party. Among them were some of my best friends, but it does not become men as we are, acting for the benefit of nations, to lament for what is past, and which cannot possibly be recalled, but rather to concern ourselves for the future, and to make such arrangements as will establish the means of effectually restraining and punishing the vicious, hereafter.

My friends: I have for several years heard very bad accounts of the French trader at the prairie. I am afraid he is at the bottom of all this mischief. He has used the influence he possesses, to induce the agent to send for you. This was wrong: no agent has been authorized to invite any nation not belonging to his agency to visit those under his charge, although he has the right to send his Indians to visit any others. My friends: I sent to you, and I sent to all the other tribes interested, my word, that I would meet you at Prairie du Chien, on the 4th of July, at which time and place, I informed you, you would hear the words of your great father, the President of the United States. The PLACE was selected by the President, the time was fixed by me; and no person has a right to interfere in this arrangement, by inviting any of the tribes concerned, to meet their enemies previous to the day fixed by me.

My friends: The conduct of the sub-agent, whose ignorance of Indian affairs has led him to suppose that two or three chiefs could settle the affairs of your two tribes, and whose officious and indiscreet zeal has prompted him to anticipate the views of the Government, has been reported by me to the War Department: I have taken upon me to recall him from among your people, although I had nothing to do in his appointment. He never shall again be the cause of injury to you.

My friends: The object of your great father, in calling you together, is of the highest importance to you. He has named a place for you to meet: the business to be transacted more particularly concerns your interests than those of the whites. Thousands of dollars have already been expended in consequence of the arrangements for this meeting. Should you persist in your determination not to be represented on that occasion, and the other tribes who are invited should attend to their interests there, and to the wishes of their great father, it is not saying too much, to tell you, that you will stand alone in the world, notwithstanding what you say about having many friends. Your great father, as well as myself, have but one way of testing the sincerity of professions; and that is by the degree of respect accorded to his wishes. He has no greater wish than to see his red children as happy as the whites are: and, although he is too just to make any distinction between the different nations of his red children, who are all equally disposed to listen to his words, yet that same principle of justice will compel him to make a wide difference between his friends who follow his advice, and his enemies who reject his counsel, and who seem determined to stain the land with blood; forgetting that vengeance, even when gratified to the utmost extent, is but a short-lived satisfaction. It cannot bring the dead back to life, nor can it afford you security for the future: but, on the contrary, will expose you more and more to the effects of the same bad feelings in others, which you cherished in your own breasts. But when it is considered that in pursuing your plans of vengeance, you lose your most valuable men, and even then, that the punishment most probably falls on the innocent, who have had no hand in the murder of your people, (as it has fallen on my friend Piemansky,) it becomes anything but satisfaction. Added to this, you make an enemy of the Government to which you should look for protection and redress, and place your enemies in the fairest possible light which they could wish.

My friends: Your great father, the President, will view as undutiful children, those tribes who will not follow his counsel in this matter; and you cannot hope that other nations or tribes will be permitted to join you in staining the land with blood, even if they should be so inclined. My friends: I have thought it my duty, as your true friend, to speak to you as I have done. You should suffer no consideration to prevent you from going to hear the words of your great father, which he has directed his commanding officer to deliver to you at Prairie du Chien. All the evil which has happened, great as it is, will be nothing to that which may grow out of your refusal to listen to his words.

As men of sense and of reflection, I hope you will consider this matter: I repeat that it is your own interest and welfare I have at heart. You have formerly attended to my words and have benefited by my advice; but when you have disregarded my counsel, you have experienced the bad effects of so doing.

My friends: You all know, that when I heard that Morgan had killed the Sioux, I disapproved of his conduct. I also disapproved of the Sioux killing the Robber-chief, and advised you to be quiet and to send me the Sioux prisoners, and I would settle the affair. You sent me some of the prisoners, and I would have had every thing arranged in a short time, but you would not wait until I could make the peace, but went out and killed the Sioux, and by mistake killed Monominees and Winnebagoes; and since have continued killing the Sioux, at the very time my agents were working with

the Sioux, and others to keep them back. A short time since a large party of Sioux assembled on the Missouri, and were stopped; another party of five or six hundred assembled near St. Peters, they were stopped and sent back, by the agent, by my direction. My Friends: you say I have had my way; I tell you these things to show you that I have not had my way with you latterly, and that the Sioux listen to my words. Now that I cannot have my way, I must let your great father know, and he must determine on that point.

My friends: I shall go myself to the place appointed for me to meet the several deputations of tribes; those who meet me will hear the words of the President, delivered by his commanding officer, and will receive my counsel; those who do not, will have to abide by the orders of the President.

IN COUNCIL WITH THE SACS AND FOXES,

St. Louis, June 16, 1830.

WABELOU:

MY FATHER: You are now going to hear our talk. We told you, when here last, what our chiefs had to say. You told us to return to our homes, and to counsel together about your words. We have done so, and now come to communicate to you the result of our deliberations. Both tribes have counselled together, and have appointed myself and these four principal chiefs and braves to come down and see you.

My Father: You know how we have been treated by those people in the interior—you know all, for you know every thing. When our chiefs are in their lodges they have not even the heart to take up any thing to eat, they are so downhearted. The Great Spirit, who created us all, has made us to love one another of our people. We cannot go further than where we live. Our great father, the President, when we saw him last, said he would speak to us hereafter in writing. He has done so—we have received his last words by you. Before the Americans took possession of this country, we heard their words: they said we would be better treated than theretofore. When our people received this talk, they supposed it was the will of the Great Spirit, and that where their ancestors had travelled, as they had, up and down this river, they would be always safe.

My Father: You know us well—we have got friends, we have wood, water, and every thing we wish. Our enemies have none of these things. But at the moment we were looking for good, and thought of nothing but peace, it appears there were some bad feelings with some of our people. The President promised us he would make the other red-skins remain at peace with us; and we promised we would do the same. But they have been the first aggressors, and have done much more mischief than we, and we now ask you that those chiefs of ours be paid for head for head.

Father: We have understood that you intended to bring about a general peace, and for that purpose you were to make clean roads for us to go to Prairie du Chien. Those people have come down and reddened the land with the blood of our people. We would feel ashamed to go and shake hands with them.

My Father: We cannot go to Prairie du Chien. If you have any thing to say to us, we have our council fire at Rock Island, where you can come.

KEOKUCK:

My Father: I will take the liberty of sitting down to speak to you, because I wish to speak quietly.

Father: You remember you told me, when here last, to go home and to speak to our people what you told me. I spoke to them all your words. They assembled at our agent's house. He put it on paper, and, I suppose, sent it to you. We have urged our agent to come down with us, because we perceive the other Indians above have their agents actively employed with them, and we wish to do the same.

My Father: How is it possible for our people to go to Prairie du Chien? When Piemansky went to Washington, the President gave him a flag, a medal, and some other things. When he was going to Prairie du Chien, he took those things with him to show who and what he was, but he was fallen upon by murderers, and his flag, *your flag*, the *flag of the United States*, was trodden under foot, and then burnt.

My Father: We have never before refused you any thing, you have always said true, (viz, had your own way,) but now we cannot go—we have our homes, and can do business very well there. You may remember, my father, in every instance of our killing our enemies, we covered it. The first Sioux we killed we went and smoked with his people, and made up the affair by paying. Yet, they paid no attention to this, but continued killing us. This is the reason why I am firm and immoveable in my determination not to go to Prairie du Chien.

(Keokuck, rising.) Now, my father, I am again on my feet. It must be that the Great Spirit intends to favor us, for I feel that we have friends all around.

My Father: I now tell you, from the bottom of my heart, that I cannot go to Prairie du Chien; and hope I will say true, and have my way, in my turn, for once. I am done.

GENERAL CLARK:

My Friends: I have deeply lamented the death of my friend, Piemansky. The sub-agent, who invited your people to go to the Prairie du Chien, was ignorant of Indian affairs; he supposed that one or two chiefs could make a peace for both your tribes. Piemansky was killed at an unfortunate time for his people; and, by bad management, they were deceived, and that by the ignorance of a man who had no authority to do as he has done.

This invitation is from a different power than that of a sub-agent, and a French trader, (Rolette.) The President has the whole American nation at command: he has fixed the place for you to meet, and it cannot be altered by me. You are hungry, my friends; go and refresh yourselves, and smoke. I will answer you to-morrow.

DETROIT, June 24, 1830.

SIR: The annuity due to the Miamies has not been received here. It is possible it may have been remitted directly to General Tipton; but, as I have not been advised of the fact, I think it proper to bring the subject to your notice.

No part of the annuity due to the Pottawatamies, by the treaty of St. Joseph's, of September, 1828, and appropriated by the act of March 2d, 1829,

has been remitted to me. If they have been sent to Gen. Tipton, there has been a mistake in the remittance, which I request may be rectified.

That treaty was negotiated with two separate bands of the Pottawatamies, the larger living principally in the agency of Gen. Tipton, and the smaller in that of Doctor Wolcott. The payments made last year were in conformity with the understanding at the time of signing the treaty, viz.:

\$1,000 for the limited annuity.

630 for tobacco, corn, steel, annuity to the principal chief, &c.

These sums were disbursed by Doctor Wolcott to the band living in his agency, and the remainder by Gen. Tipton to the other party. You are aware how important it is to the proper influence of an agent, that he should make all the payments to the Indians of his agency; and if these sums have been sent to Gen. Tipton, allow me to request that he may be instructed to pay them over to Doctor Wolcott.

Very respectfully,

Your obedient servant,

LEW. CASS.

Colonel THOMAS L. McKENNEY.

NEWBURG, NEW YORK, 25th June, 1830.

DEAR SIR: As you will perceive, by the papers, the President has gone to Tennessee, on a visit. While there, he hopes and expects to meet the chiefs of the Choctaw Indians, who have already manifested a disposition to cede their lands in the State of Mississippi, and retire west of the river. In that event, it is desirable that the Chickasaws should also perceive the necessity there is, in reference to their own peace and quiet, also to remove. You are requested to converse with them upon this subject; ascertain their feelings and wishes; and should such a desire be entertained, by meeting the President and myself, at Franklin, Tennessee, between the 1st and 15th of August; we shall be found there, disposed to conclude with them a treaty upon the most liberal terms.

Every Indian of sense and reflection must perceive that they cannot live happily within the States, to be subject to other laws than their own. Strife and disagreements must be the consequence. The President would gladly avert such a state of things, and see his red children placed in a situation where they could enjoy repose, and be happy. He wishes you to bring these matters to their serious consideration, and to afford me the result of your inquiries. If they shall conclude to make a treaty, embracing this object, you will accompany such of the chiefs and others who may be authorized by them to come, to meet us at Franklin, by the 15th of August. All their travelling expenses, and those to be incurred during their absence from home, will be paid by the Government. It is suggested to you, that the whole number may not exceed twenty or twenty-five Indians; and that their visit will be unnecessary, unless you shall feel assured that they entertain a willingness to conclude a treaty. By conferring with the Choctaw agent, you will be able to ascertain if the Indians in that tribe intend to come to Tennessee, as has been requested. You will be pleased also to send him a copy of this letter, that the Choctaws may be informed of the time when they will have it in their power to meet, near to their own homes, the Presi-

dent and Secretary of War, and thereby to be afforded an opportunity to conclude a treaty, if they shall be so disposed.

Communications from you both, upon this subject, at as early a period as possible, will be expected, addressed to me at Franklin.

With great respect, &c.,

JOHN H. EATON.

To Col. BENJAMIN REYNOLDS.

DETROIT, *June 28, 1830.*

SIR: I have the honor to acknowledge the receipt of yours of the 8th instant, notifying me of my appointment as secretary of the board of commissioners to locate Indian lands, &c., at Green Bay.

I thankfully accept of the appointment, and shall make every arrangement to join the commissioners on their arrival at this place.

It is very gratifying to me to receive this testimonial of respectful remembrance on the part of my friends, and of confidence and public trust on the part of the President. These considerations will constitute the strongest inducement in my mind, to exert myself to meet the expectations of the commissioners, in the discharge of the duties which may devolve upon me.

I have, &c.,

W. B. HUNT.

THOS. L. McKENNEY, Esq., *Washington.*

NASHVILLE, *June 29, 1829.*

DEAR SIR: I have received, from the Secretary of War, several communications on the subject of visiting the Cherokee and Creek Indians, for the purpose of inducing them to remove west of the Mississippi. In answer, I have stated to him, that I shall leave here about the 15th of August, for the purpose of carrying into effect your wishes. I delay until the time mentioned, because there seemed to be no great necessity for going sooner, and because I wished to remain, for some time, at home, to rid myself of a very afflicting disease, with which I have been occasionally attacked for the last eighteen months. Should it be your desire that I should set out earlier, I will do so, unless prevented by ill health.

I am induced to believe, from what I lately heard, that your correct and humane intentions, with regard to the southern Indians, can be carried into effect without much difficulty—Mississippi, Georgia, and Alabama having extended their jurisdiction over their territorial limits, owned by the Indians, will be a strong inducement for them to remove. They cannot bear the execution of our criminal laws. I was in South Alabama, a short time since, when three or four Indians were tried and found guilty for horse-stealing, in a county near Fort Strother. The sentence of the court was immediately carried into effect, and the red brethren gave abundant proof of their dislike to a whipping post, and the laws of civilized society.

I cannot but hope that I can induce both the Creeks and Cherokees, as directed by the Secretary of War, to agree to hold treaties; in which event, the means of success will be found in assailing the avarice of the chiefs and principal men. I think that I can move among the Cherokees without ex-

citing their suspicion. My avowed object will be to get them to agree to let the waters of Tennessee and Coosa be united by means of a canal, and to assure them, in a delicate way, that Tennessee will, at the next session of the Legislature, extend her jurisdiction over them. These, and the employment of other means which may present themselves, I trust, will enable me to succeed.

I believe we have nothing of a domestic character worth communicating. With a tender of my sincere wishes for the prosperity of your administration, and for your own health and happiness,

I am, &c.,

WM. CARROLL.

His Excellency ANDREW JACKSON,
President of the United States.

PRAIRIE DU CHIEN, *July 6, 1830.*

DEAR SIR: I arrived at this place on the 1st instant, accompanied by deputations from the Ottoes, Ioways, and thirty-nine Sacs, with the same number of Foxes; to these last tribes I spoke, on my passing their different villages, which delayed me nearly two days. I have noticed the friends and relations of the Fox chiefs, who were murdered on their way to this place. Their tears are wiped away. The son of the deceased Piemansky is here with me. Since my arrival, eighty-nine Winnebagoes and forty Monominies have arrived; making, in all, now here, 298.

Major Taliaferro came to this place about 11 o'clock last night, in the steamboat Planet, and reported that about 200 Sioux were on their way down the Mississippi, and had become alarmed; the steamboat immediately returned last night, with a detachment of men from Major Kearney's command, to escort them down in safety. They are now in sight, and we shall commence council to-morrow.

Mr. Bean, sub-agent for the Sioux of Upper Missouri, and my son, William, have arrived with a deputation of sixteen Mahas, across the country, from Missouri; and I have to regret that none of the Yankton Sioux could be prevailed upon to come to this place, owing to their apprehensions of danger, arising from false reports circulated among the Sioux, "that they were to be delivered to the Sacs and Foxes." This, added to their distressed state for want of food, has prevented their coming.

I have a flattering prospect of effecting a treaty of peace between those people; and expect, also, to effect a reconciliation with the Yanktons, who are parties, and absent, by sending the President's message and the treaty, (if effected,) to them to sign, and by the aid of an annuity for their claim in the contested country.

I have, &c.,

WM. CLARK.

Col. T. L. McKENNEY,
War Department.

P. S. I brought with me some Indian goods, for which I made a conditional bargain to pay for them after an appropriation shall be made by Congress, to pay the expenses of any treaty of cession which may be made at

this place, by which it may be necessary to use them. I think it more than probable that I shall find those goods necessary in our negotiations.

PRAIRIE DU CHIEN, *July 11, 1830.*

SIR: We have the honor to inform you, we met deputations of the confederated tribes of the Sacs and Foxes, and of the Sioux, Winnebagoes, Menomones, O'Mahas, Ioways, and Ottoes, on the 7th instant; and three days afterwards, (on the 10th instant,) we signed, with those deputations, a treaty of peace and friendship between the tribes they represent.

The Yankton and Santie bands of the Sioux did not send deputations to the council; not, it is believed, because those bands were adverse to peace, but on account of the difficulty of subsisting on the route to this place, and the apprehensions of meeting with the war parties of the Sacs and Foxes, added to their great distress for want of food to subsist their people upon.

We shall send this treaty to those bands of the Sioux, by Mr. Bean, a trusty and efficient agent, and we have no doubt they will sign it; especially, if we succeed in making a treaty for the extinguishment of the claims of various tribes of Indians to a portion of the country lying between the head waters of the Desmoines and the Missouri, as a common hunting country, to be held as such at the pleasure of the President of the United States. To this portion of country, the Yankton and Santie bands have claims, for which we propose to allow them an annuity; and it will thus become their interest to sign the treaty of peace and friendship just concluded here, and to adhere to it afterwards, in common with others concerned: a measure we consider very important, in preventing future difficulties between those tribes. We expect, to-morrow, to enter on the subject of the proposed purchases between the Desmoines and Missouri rivers.

With high respect, we have, &c.,

WM. CLARK.

W. T. MORGAN,

Colonel 1st Infantry.

To the Hon. JOHN H. EATON,
Secretary of War.

PRAIRIE DU CHIEN, *July 16, 1830.*

SIR: We have the honor to inform you, that we have this day concluded a treaty with the Sacs and Foxes, the O'Mahas, Ioways, Ottoes, and Missouri tribes, by which they cede to the United States a tract of country, extending from the western boundary of the State of Missouri to the Big Sioux, which falls into the Missouri near a hundred miles above the Council Bluffs; and from the Missouri river to the highlands, separating the waters which fall into this river from those which fall into the Desmoines, being about two hundred and fifty miles in length, and averaging about one hundred and twenty miles in breadth. This tract is to be assigned to such tribes as are now, or may be hereafter, located upon it, by the President of the United States. The small tribe of the Ioways, and a small band of the Sacs and Foxes, reside upon it at the present time. Hunting will be nearly at an end

in this tract of country, in the course of two or three years; and it will not then be necessary to retain it for this purpose any longer. It may then be assigned to the Ioways, and to the band of Sacs and Foxes, now residing upon it, and to any other tribes of Indians the President of the United States may think proper to place upon it. Those Ioways and Sacs will require but a small portion of it.

This treaty also includes a cession, made by the Sioux of the Mississippi, and the Sacs and Foxes, of a tract of country, forty miles in width, lying equally on both sides of the line extending from the Mississippi to the Des-moines rivers, as established by the treaty of Prairie du Chien, of the 19th August, 1825. This tract is estimated to be over two hundred miles in length. This is an unqualified purchase.

We have good authority for saying, that the cession on the Missouri river contains a very large proportion of first rate lands, and believe them equal to any other section of country on the Missouri river above the State line; it is better timbered, and is considered a fine farming and grazing country. We have also reason to believe, that the country we have acquired on the Mississippi, abounds in good lands, well adapted to agriculture. We are also informed it contains lead ore. The annuities we have given to the Indians will be highly beneficial to them, besides making it their interest to preserve peace with us, and with each other. The game is fast disappearing from their country, and they frequently suffer for want of food; death, from starvation, is a common occurrence among the Santie and Yankton bands of Sioux. The annuities we give them, together with the allowances of smiths, iron, implements of agriculture, &c., will induce them to turn their attention more and more towards agriculture, which will enable them to live more comfortably, and indeed will save many of them from starving to death.

We hope that the allowance of blacksmiths, iron, steel, and agricultural implements, &c., may be continued, until the tribes, named in this treaty, are considerably more advanced in the arts of civilization.

For these cessions, we have agreed to give, for ten years—

To the Sacs,	.	.	.	.	.	\$3,000
Foxes,	.	.	.	.	.	3,000
Sioux, of Mississippi,	.	.	.	.	.	2,000
Yankton and Santie bands,	.	.	.	.	.	3,000
O'Mahas,	.	.	.	.	.	2,500
Ioways,	.	.	.	.	.	2,500
Ottoes and Missouriias,	.	.	.	.	.	2,500
Sacs, of Missouri river,	.	.	.	.	.	500

We shall forward you the treaty as soon as it is signed by the Yankton and Santie bands of Sioux.

With high consideration and respect,

We have, &c.,

WM. CLARK.

W. T. MORGAN,

Colonel 1st Infantry.

The Hon. JOHN H. EATON,

Secretary of War.

FAYETTE, Mo., July 20, 1830.

SIR: My bill of exchange of this day, in favor of John Nanson, of Fayette, Missouri, for five hundred dollars, is for that amount received of him for defraying expenses of outfit and other costs of surveying, and marking lands assigned to the Delaware tribe of Indians, north of the Kansas river, by treaty with said tribe at Council Camp, Missouri, September 24, 1829, and ratified by the Senate of the United States, May 29, 1830, under which act I received your instructions of the 3d of June, which, when paid, will be charged to account of,

Your obedient servant, &c.,

ISAAC McCOY, *Surveyor, &c.*

Hon. JOHN H. EATON,

Secretary of War.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,

St. Louis, July 23, 1830.

DEAR SIR: I have the honor to enclose to you the bonds of Mr. P. L. Chouteau and Richard W. Cummins required, for the faithful performance of their duties as agents. I last night returned from the treaty at Prairie du Chien, which has terminated far more favorably than I had reason to expect, and all appear satisfied. Mr. Bean, the sub-agent for the Upper Missouri, starts to-morrow for the Yankton and Santie bands of the Sioux nation, resident about one thousand miles up the Missouri; he will take a duplicate of the treaty for their signature, and, in compliance with all the tribes, parties thereto. Major Bean is also instructed to invite a small deputation of ten or twelve of the Yankton and Santie bands, to descend with him to this place for the purpose of meeting a deputation of Sacs and Foxes to confirm peace, and smoke the pipe in the Indian custom. I have but little doubt of the success of Major Bean, as he is a young man of talent, enterprise, and perseverance, and expect his return with the aforesaid deputation in October; at which time, the Sacs and Foxes will be here, and probably prepared to sell a part of their country, embracing a part or the whole of their lead district. I did not urge a sale, as I had previously learned that their price would be equal for the same quantity of lands purchased last year of the Winnebagoes and Pottawatamies, or thirty-two thousand dollars per annum for fifty or sixty years, with salt, tobacco, and the payment of about sixty thousand dollars towards the debts due their traders.

The mineral country belonging to the Sacs and Foxes is much superior to that purchased east of the Mississippi; yet I am not willing to give the price which I know they will require, without first being advised by the Government.

We succeeded in concluding peace between those tribes at enmity, and also entered into a treaty of cession. All the tribes are interested in keeping peace, as they will now enjoy, as one common hunting ground, those lands heretofore in dispute. The Government will have a disposable country of the best lands on the Missouri river, above the State line of Missouri, of about three hundred by one hundred and twenty miles, and a slip of about two hundred by forty miles between the Missouri and Mississippi, for which, we have given five thousand one hundred and thirty-two dollars in goods,

some provision, and promised the Sacs three thousand dollars, Foxes three thousand dollars, Sioux two thousand dollars, O'Mahas two thousand five hundred dollars, Ottoes and Missourias two thousand five hundred dollars, Ioways two thousand five hundred dollars, Sacs of Missouri five hundred dollars for ten years, and a blacksmith for five of the tribes, three thousand dollars for agricultural implements, and three thousand dollars for the education of their children.

The message of the President, as delivered to those tribes, has had a powerful effect, and, if carried properly into effect by the military, I have no doubt of the renewal of a friendly intercourse between those tribes.

The deputations of O'Mahas, Ottoes, Ioways, Missourias, and Sacs, of the Missouri, are now at this place, and will proceed in two or three days to their villages, accompanied by their respective agents. The costs of those treaties will be more than was anticipated at first, and will be paid by me from funds borrowed from the United States Bank. I hope it will be in the power of the Government to aid me, as it will be hard upon me to pay the bank interest on those heavy sums. The Sacs and Foxes had determined not to attend the treaty; and two parties had prepared, and were about to set out to war. In the short time I remained at the lower Rapids, (about fourteen hours,) runners were sent through the country to the different villages to summon the principal men, and I found them waiting my arrival at many different points on the river, from whence they accompanied me to Rock Island, where I spoke to the friends of the deceased chiefs, who had been killed by the Sioux; made them a present of one thousand dollars, and then referred the nation to my former messages to them; told them that I should advise them no more, but if they choose to go and hear the words of their great father, I would take them up in the steamboat, if not, I should go and speak to those who were willing to receive his advice. After a short deliberation, they requested that sixty chiefs and braves might accompany me; I agreed, and seventy-eight crowded themselves on the boat. If I had not attended the treaty, neither Sacs or Foxes would have attended.

I have, &c.,

WM. CLARK.

Colonel T. L. McKENNEY.

ST. LOUIS, *July 29, 1830.*

SIR: I have the honor to transmit, herewith, the report of Major R. P. Beauchamp, sub Indian agent, of the 9th June last, on the subject of collecting the Indians of Missouri, for the purpose of taking them on to Prairie du Chien to attend the treaty at that place, agreeably to your instructions.

The treaty is now over, but still I think it due to Major Beauchamp, that you should be made acquainted with the prompt manner he executed my orders relative to that affair; and it is for this reason, I take the liberty of transmitting to you his report.

Very respectfully, &c.,

JOHN DOUGHERTY,

Indian Agent.

General WM. CLARK,

Superintendent Indian Affairs.

CANTONMENT LEAVENWORTH, *June 9, 1830.*

SIR: Your instructions to me of the 13th ultimo, directing that I would proceed without delay to Council Bluffs, and ascertain whether the Ottoes and O'Maha nations of Indians would send with Major J. L. Bean, United States sub Indian agent, a deputation of their respective tribes across from the Missouri to Prairie du Chien, for the purpose of settling their differences, and adjusting the boundaries of their hunting ground with the Sacs of the Mississippi, and in the event that those tribes, or either of them, should refuse (from a dread of the Sacs, or other cause,) to cross the country with Major Bean, in such case, in order to prevent a failure on the part of those tribes in attending the contemplated meeting, you directed me to bring a deputation of such tribes to this place.

In compliance with those instructions, I set out immediately on their receipt, and proceeded direct to the Ottoe village; which place I reached on the 18th, in hopes to find Mr. Bean; but not finding him there, and having no interpreter with me, I proceeded on to Mr. Cabannies' trading-house; which place I reached on the 19th, where I found Mr. Bean, who informed me that he had passed through the Ottoe village on his way up, and that they had promised to cross the country with him, and also, that he had on that morning despatched two interpreters to the Yanktons and O'Mahas. I determined, therefore, to remain there with Mr. Bean till the return of those men. They returned on the 27th, and reported that the O'Mahas had promised to accompany him across the country. On the 28th, Mr. Bean sent an interpreter to the Ottoe village; and on the 29th he returned, and stated "that the Ottoes had been gone several days on a visit to the Pawnees, but had left word that, on mature deliberation, they had declined crossing the country for fear of the Sacs."

Mr. Bean informed me then that he would cross the country with the O'Mahas, Yanktons, &c.; and fearing that the O'Mahas would, on hearing the determination of the Ottoes, and the cause which led to it, and it being evident that they would hear, as one of the O'Mahas was then on a visit to Mr. Bean, and had been fully informed on the subject by the Ioway Neomany, I determined on visiting the O'Maha village myself, and ascertain whether they still remained steady and fixed in the determination to cross the country with Mr. Bean; and, consequently, set out on the 30th, and reached the village on the 31st; and on inquiry, I found that they were still willing to cross over to Prairie du Chien; on which I advised them strongly not to fail going, and obtained a promise from the Big Elk that he would send and inform Mr. Bean of their determination. I left the village on the 1st instant, and on the 2d reached Cabannies' trading-house; and on the 3d sent Stephen Julian, the interpreter, to the Ottoe village, with orders to bring on to this place a deputation of that tribe; which duty he promptly and faithfully performed, and arrived at this post on the 8th instant. I concluded myself to come down by water; for, in consequence of my having let Mr. Bean have the two horses I took up, and taking from him two others, one of which was unfit for immediate use, I was left without a sufficient number of horses; hence came down by water, and arrived at this post in the forenoon of this day.

Very respectfully, &c.,

R. P. BEAUCHAMP,

U. S. S. Ind. Agent for Upper Missouri.

Maj. JOHN DOUGHERTY,

Ind. Agent for Upper Missouri.

NEW YORK, *August 5, 1830.*

SIR: Enclosed is Erastus Root and others', commissioners, &c., draft on you for two thousand five hundred dollars, with a request that a check on the Branch Bank of this city may be remitted to us for the same.

Respectfully, &c.,

JOHN WARD & CO.

HON. JOHN H. EATON,
Secretary of War.

LITTLE ROCK, *August 6, 1830.*

SIR: I send you enclosed the account of Andrew Scott for services rendered in leasing out, or rather assessing rent on the improved lands acquired from the Cherokee Indians, in obedience to a peremptory order of your predecessor. He has returned me a schedule of the names of the occupants, and the amount of rent assessed on each. The aggregate amount of rent, as assessed by him, is near three thousand dollars. I have instructed him to proceed no farther without other instructions from your department.

The duties he has performed have been most unpleasant and arduous. The occupants are dispersed over a large tract of country, and very hostile to the payment of rent, or any person employed to collect or assess them.

The route from place to place difficult to follow, and in many instances no road to be found. Whether they will or can be collected is not with me to inquire; but the business has been faithfully performed in compliance with the positive instructions of the Government, and he ought to receive, without unnecessary delay, a fair compensation. His account is certainly large, and perhaps more than he ought to be paid, but he is certainly entitled to a liberal compensation; and I hope you will have his claim adjusted, and the amount allowed remitted to him as early as convenient. I send you also a schedule,* furnished by Mr. Scott, giving the names of the tenants and amount of rent assessed.

I have the honor to be,

With high respect, yours, &c.,

JOHN POPE.

N. B. Copies of the notices served on the tenants are in my possession.

J. P.

The Hon. JOHN H. EATON,
Secretary of War.

* There was no schedule with this when it came to the Indian Office.

S. S. H.

LITTLE ROCK, ARKANSAS TERRITORY, *July 14, 1830.*

SIR: Subjoined, you will find my account against the United States, as agent, to lease and assess rents on the settlers upon lands in that section of the country, lately ceded by the Cherokee Indians to the United States, in the Territory of Arkansas.

In the performance of this duty, I have incurred much trouble, fatigue

and expense, which I have sustained out of my own pocket, for the benefit of the Government; I trust, therefore, that my account will be deemed reasonable, and promptly met.

I have the honor to be, sir,

Your most obedient servant,

ANDREW SCOTT.

His Excellency JOHN POPE.

The United States, to Andrew Scott, Dr.

To his care and attention in the preservation of the public property, within the late Cherokee limits, from the 6th of July, 1829, till the 6th July, 1830	- - - - -	\$500 00
To his per diem, for 97 days, in serving notices of assessment, at \$5 per day	- - - - -	485 00
To making out and serving 43 copies of notices, and returning the originals to the Executive Office, at \$5 each	- - - - -	215 00
To 1,500 miles travel and expenses, at 10 cents per mile	- - - - -	150 00
To hire of guides, for 97 days	- - - - -	97 00
		\$1,447 00

Memorandum of the number of farms, and amount of rents assessed by Andrew Scott, agent in assessing rents of improvements purchased from the Cherokee Indians by the United States:

Number of farms	- - - - -	43
Amount of rents assessed	- - - - -	\$2,820 30

The above is taken from the schedule furnished me by A. Scott, esq. The number of acres on each farm does not appear from the schedule, as I supposed in my letter.

JOHN POPE.

TREASURY DEPARTMENT,
Second Comptroller's Office, August 7, 1830.

SIR: From the great irregularities which do now, and have long prevailed in the mode of keeping and rendering the accounts of the several officers and agents employed in disbursing the Indian appropriations, I consider it my duty to revise the system of accountability in that branch of expenditure, and report to you the proper forms and instructions to be issued to the disbursing officers in that department.

But before entering on this duty, permit me respectfully to suggest to you an improvement in the mode of transmitting the funds to the disbursing agents, to which I can see no possible objection, and which, if adopted, will be attended with great benefit to the service. It is as follows:—

When funds are required by the several Indian agents, sub-agents, or by special agents or commissioners appointed for distinct and special objects, their estimates, under the several heads of appropriation, after being examined and approved by the superintendent of Indian affairs of the district in which the disbursements are to be made, should be transmitted to

the War Department, from whence the funds should be sent, through the Treasurer, to said agents *direct*, and charged to them respectively on the books of the Treasury. For any funds required by the superintendents, for disbursements to be made by them, similar estimates should be forwarded to the War Department, for which they should be held personally accountable; all which estimates should particularize the appropriations out of which the moneys are required, and, as far as practicable, the objects for which they are to be expended.

A regulation, similar to the one here proposed, was adopted on the 20th August, 1819, for the transmission of funds to the battalion and regimental paymasters, which has tended greatly to simplify and perfect the accountability in that branch of expenditure. It was less needed in that than in the Indian Department, as the paymaster-general was located near the accounting officers of the Treasury, who could at all times obtain the necessary information from his books, of advances made to the respective paymasters; but the sums advanced to the Indian agents, &c., by the superintendents, are not known, in some cases, for many months after they are made, and their accounts, of course, cannot be settled, until the superintendents' accounts shall have come in and been adjusted; and, even then, the sums delivered to the agents, as ascertained from such settlements, are charged to them only in the auditor's books, which cannot, without the greatest inconvenience, be brought in evidence before the Second Comptroller, thus rendering the revision of these, in this office, incomplete and imperfect. Were the funds sent directly to the disbursing officers from the Treasury, and charged to them on the books of the Second Comptroller and the Auditor, as in other cases, the accountability would be simple, direct and perfect: each office would have the necessary checks within itself, as to the sums for which the disbursing officers are respectively accountable.

In addition to the inexpediency of continuing the present mode of supplying the disbursing officers with funds, through the superintendents of Indian affairs, it is believed to conflict with the first proviso of the 1st section of the "Act concerning the disbursement of public money," approved Jan. 31, 1823. It is there made lawful, "under the special direction of the President, to make such advances to the *disbursing officers* of the Government, as may be necessary to the faithful and prompt discharge of *their respective duties*." Under this provision, it is believed that no moneys can be advanced to the superintendents of Indian affairs, even with the sanction of the President, further than to meet their own disbursements; and advances to other officers cannot be considered as disbursements made by them.

I have the honor, &c.,

JAMES B. THORNTON.

P. G. RANDOLPH, Esq.,
Acting Secretary of War.

CHEROKEE AGENCY, A. T., *August 7, 1830.*

SIR: Many of the heads of families of emigrants from the old nation steered and worked the boats in which they were transported from Gunter's landing, on the Tennessee river, to Montgomery's point, at the mouth of White river, in this Territory. They think that according to the terms of

the treaty, they are entitled to compensation for it. I am inclined to the same opinion; but as I had nothing to do with them until they reached Montgomery's point, I have declined paying accounts for such services.

They consequently remain unsettled, and will until the Secretary of War decides on the propriety of the charge.

An early answer to this would oblige those interested.

Very respectfully,

I am, sir,

Your obedient servant,

E. W. DUVAL.

Col. THOS. L. McKENNEY,

War Department.

DETROIT, *August 10, 1830.*

SIR: A deputation of the Ottawa chiefs of the Maumee has recently been here, and have renewed a subject which they have heretofore brought forward, and which I now beg leave to submit to you.

By the sixth article of the treaty of Detroit, concluded with the Ottawa, Chippewa, Wyandot, and Pottawatamie tribes of Indians, November 17, 1807, it was provided, among other reservations, that one tract of "three miles square should be reserved for the use of the Indians on the Miami, (above the twelve miles square ceded to the United States by the treaty of Greenville,) including what is called Presque Isle." The Ottaways state, and such I believe to be the fact, that by some inadvertence this reservation here alluded to was not secured to them, and that some, or all of it, has been sold by the United States. They now ask that a quantity, equal to nine sections, may be selected and reserved for their use in some other place: they wish it may be south of the Maumee, near their principal settlement, and where there are sugar camps they have long occupied. I beg leave to request that this arrangement may be made, and that the sub-agent at the Maumee, Lemuel T. Lloyd, may be authorized to make the locations, and may be instructed to consult their wishes in the execution of this duty.

Very respectfully,

I am, sir,

Your obedient servant,

LEW. CASS.

Colonel THOMAS L. McKENNEY

COLUMBUS, OHIO, *August 14, 1830.*

SIR: The Delaware Indians say, if I accompany them, they will remove and join their friends in the west this fall. They are a noble, but dissipated tribe, and it will require great care and attention to take them to the end of their destination. I have been acquainted with them for many years, and I well know if some one who has influence over them, does not go with them, (and such a one I might not get,) that they will halt at the first good hunting ground they find, spend the winter there, and return on our hands in the spring. To avoid this, if it is consistent, I would have no objection to

accompany them at least to St. Louis, and I am of the opinion it would be to their advantage. As the sum appropriated for their equipage and removal is a small one, I have an idea I could lay it out more to their advantage than any one I could get.

In proportion as the white people settle around the Indians, difficulties increase; and it requires more vigilance, prudence, and management, on the part of the agent, to protect the Indians and their property, and to harmonize the apparent conflicting interests of the parties, than it formerly did. Yet I am of the opinion this agency would not suffer by my absence a month or two in the fall of the year, as at that time the Indians will principally be off on a hunting expedition.

I have paid the Indians their annuities for the present year; had some difficulty with the chiefs on account of the new arrangement of payment: they are a class of men who have power, but the common Indian was much pleased, as the dividend this year was something higher than in former years. This is the only mode whereby complete justice can be done at all; although it is a tedious and responsible duty to pay out to heads of families and individuals.

My yearly and quarterly reports will be made by the first of next month, when I will be at leisure to attend to the Delawares.

I remain, &c.,

JOHN McELVAIN,
Indian Agent.

Col. THOS. L. McKENNEY, *Washington.*

DETROIT, *August 16, 1830.*

SIR: I enclose an application from the inhabitants living in the vicinity of the Ottaways of the Maumee, and beg leave to add, that should the department think proper to authorize the attempt requested, it could be done without any expense: and I think it would be advantageous to that part of the country.

Very respectfully,

I am, sir,

Your obedient servant,

LEW. CASS.

Colonel THOMAS L. McKENNEY.

To Lewis Cass, Governor and Superintendent of Indian Affairs in the Territory of Michigan.

We, the undersigned, residing in the southern section of the Territory, being materially affected in our interest and convenience by the possession of the Ottaway tribe of Indians of large tracts of land on both sides of the mouth of the Maumee river, the peculiarity of the situation of those lands is such, that this being held by the Indians keeps other large tracts and important situations from being improved. In short, in relation to the population of the country, it is the key to this river.

A law having passed for the purchasing or exchanging of lands with the Indians, and their removal, we have conceived that you are, or probably will be, vested with power for the negotiation with Indians for this purpose.

Entertaining no doubts that an exchange might now be effected advantageous to the Indians and the white inhabitants in their neighborhood, we pray you to adopt such measures as you may conceive to be necessary; or in case you are not empowered, that you will advise us what course to pursue to effect the object. We are not alone anxious for the removal of these. The State of Ohio, as a State, is very solicitous, and the inhabitants on the northern line of the State are particularly anxious for the removal of these Indians from the reservations they now hold.

If they cannot at once be removed west of the Mississippi, we firmly believe they may be collected on to our tract somewhere out of the line of the thoroughfare of the white inhabitants. Be assured of our high estimation and respect.

CYRUS FISHER,
WILLIAM WILSON,
HENRY PHILLIPS,
NOAH A. WHITNEY,
MILTON D. WHITNEY,
TIBBALS BALDWIN,
JOHN T. BALDWIN,
P. J. PHILLIPS,
JOHN PHILLIPS,
ELI HUBBARD,
W. R. MERRITT,
ROSWELL RILEY,
ISAAC B. WORDEN,
HIRAM BARTLETT,
DEXTER FISHER.

Port Lawrence, August 2, 1830.

SHAWNEE AGENCY, *August 23, 1830.*

SIR: I am thus far on my way to survey the lands assigned the Delawares. They have been duly notified, and their agent, who is to accompany us, is hourly expected here.

From this I shall pass Cantonment Leavenworth, and thence proceed immediately to work.

Any instructions which it may be your pleasure to give, and which can arrive by the 25th of November, you will please to direct to Cantonment Leavenworth; after that, to Fayette, Howard county, Missouri.

With great respect, &c.,

ISAAC McCOY.

Honorable JOHN H. EATON,

Secretary of War.

CHEROKEE AGENCY, *August 24, 1830.*

SIR: By the last mail I received your letter of the 6th instant, and am truly sorry to find that there are not funds on hand, applicable to the pay-

ment of the sums due and assumed by me to be paid out of the price of the improvements abandoned by the emigrants for those sums. I am very much pressed by those to whom they are due; the \$3,915 60, I fear, would only bring me into greater difficulties, as I should not be able to discriminate between the different claims, which to pay and which not to pay; and it would be a great deal of trouble to pay a part of all. I should therefore prefer waiting until the President returns, in hopes that means may be found in his power to redeem the whole; and to which subject I would solicit your early attention after his return. If, however, there should not then be found means applicable, I would request that you then remit what there is, and I will do the best I can with it. The \$5,058 35, which you mention is the balance yet due to the appraisers, the issuing agent, to wagoners for transportation of goods from Augusta, and removing emigrants and other contingencies, and to which sum the \$15 for the boat bought, and also the \$425 due on account of boat-pilotage, and other emigration contingencies, may be added, making in all, \$5,498 35: and, as there are means on hand applicable to those purposes, I have to request that that sum be remitted to me; as those sums are due to so many different persons, say not less than fifty or sixty persons, it would be very inconvenient to draw bills on you for them. Those are all poor people, (at least the wagoners,) and worked cheap for sake of the cash, and are in want of it.

The \$1,333 33 of which you make mention, you will see by reference to my abstracts, Nos. 2, 3, and 4, is accounted for in the payment of the salaries of those officers, up to the 30th June, 1829.

I am, very respectfully,

Your obedient servant,

H. MONTGOMERY.

Honorable JOHN H. EATON,

Secretary of War, Washington City.

GENERAL LAND OFFICE, *August 27, 1830.*

SIR: I return the letter of Governor Cass, enclosed in yours of the 26th instant.

The tract of three miles square on the said river, ("Miami of Lake Erie,) above the twelve miles square ceded to the United States by the treaty of Greenville, including what is called Presque Isle," reserved for the Indians by treaty of the 17th of November 1807, at Detroit, *is marked* on the land office maps as an Indian reservation, and consequently no part thereof has been sold by the United States. It may be proper to add, that a tract of six hundred and forty acres to be taken out of the above reserve, was "at the special request of the Ottoways," granted to Sawandebans, or Yellow Hair, or Peter Minor, by the 8th article of the treaty of 29th September 1817, at the foot of the rapids of the Miami.

Very respectfully,

Your obedient servant,

Acting Commissioner.

SAML. S. HAMILTON, Esq.,

Office Indian Affairs, War Department.

CANTONMENT GIBSON, *August 28, 1830.*

SIR: I have now the honor to report my arrival at this place, which is within twenty miles of the contemplated location of the Cherokee Agency, and have written to each postmaster between this and Tickatoka post-office, at or near the old agency, for any letters addressed to me that may come to either office, to be forwarded by mail to this place; having received no communication from the department since that apprizing me of my appointment to this agency. My official bond, which has been sent to Virginia for the signatures of my sureties, who are the same persons whose names are prefixed to my approved bond filed in the department for my late agency, was forwarded to Colonel Thomas L. McKenney, office Indian affairs, on the 26th of last month, from St. Louis, and where I presented my accounts up to the 30th of June to the superintendent for examination, to which no objection was made. Since my arrival here, the Cherokees complain that the payments so long due them under treaty stipulations, is still delayed. The greater part of the amount thereof, I am informed, has been bought up by speculators, who hold orders and certificates, with powers of attorney to collect from the agent as soon as the funds arrive. And the annuity for this year is also still due to them.

The five hundred emigrant Cherokees who reached here this year, have been under the necessity, from a want of supplies, of selling their claim on the Government, for provisions, to any one who would furnish something to relieve their sufferings. It is greatly to be regretted, that the long continued delay of payment, &c., has operated to place these unfortunate people so much in the pitiless power of speculators.

The Creek agent, General Campbell, who arrived here yesterday, states, that by the decision of the Government, all the land in the fork of the Canadian and Arkansas has been given to the Creeks, which is producing great discontent among the Cherokees, many of whom having settled there; and it being considered the most valuable part of the country claimed by them under their treaty. Permit me, therefore, to suggest, that it would be most advisable to adjust the conflicting claims of these two tribes, so as to afford an equal measure of justice to both: and permit me to add, that it appears to me from the statement of General Campbell, that this desirable object has not been effected.

There being as yet no house of any description for the use of an agent, induces me to request the authority and means requisite to remove the inconvenience, together with all necessary instructions, &c., that may be deemed expedient to communicate, with a view to enable me distinctly to comprehend all the views of the Government in connexion with the duties of my agency, and promptly to remove every just cause of complaint.

I have deemed it advisable to wait for your instructions in reply to the communication of Colonel Arbuckle on the subject of General Houston's case, it having been referred for the decision of the Government, previous to my arrival. Should General H.'s view of the question be sustained, it is apprehended that all the Indian tribes will have to deplore the establishment of so baneful a precedent.

The ninth article of the treaty of Hopewell, and the sixth of that of Holston, has been presented to the notice of General H., but he views the acts of Congress, regulating trade and intercourse with the Indians, as yet passed, applicable only to the citizens of the United States, and not to the members of the Cherokee nation. He also considers the Cherokee country as being

beyond the territorial limits of the United States, though within the national domain.

I have the honor to be, &c.,

GEO. VASHON,

Indian Agent for Cherokees west.

Honorable JOHN H. EATON,

Secretary of War.

SUPERINTENDENCY INDIAN AFFAIRS,

St. Louis, August 30, 1830.

SIR: I have the honor to enclose to you, herewith, the report made by Mr. Bean, of the 12th of July last, of his mission to the Ottoes, Mahas, &c. Also, a letter from Mr. Dougherty of the 29th of the same month, accompanied by the report of his sub-agent, Mr. Beauchamp, to him, dated the 9th of June, showing the manner in which the last named agent had executed the orders of his principal, in relation to the duties of collecting and accompanying deputations of the upper tribes across the country to Prairie du Chien, with which I had specially charged Mr. Bean.

Some dissatisfaction has arisen, it appears, on the part of Mr. Beauchamp, under the belief that Mr. Bean's report to me contained statements injurious to him: he has therefore requested a copy of that report. See his letter, marked A; also my answer, B.

I have heard but once from Mr. Bean since his departure to the Yankton and Santie bands of Sioux. He will have an arduous task to perform, yet I have the greatest confidence in his enterprising and persevering spirit. He will no doubt fully succeed in the objects of his mission. I expect him in October with deputations from those bands of Sioux.

With the highest respect, &c.,

WM. CLARK.

The Hon. JOHN H. EATON,

Secretary of War.

SUPERINTENDENCY INDIAN AFFAIRS,

St. Louis, April 25, 1830.

SIR: By last mail I was officially informed, that the Government is determined to interfere in the war between the several tribes of the Mississippi and Missouri: and that the President has sent orders to the commanding officer at Prairie du Chien, and a MESSAGE to be by him delivered to all the tribes concerned, and expects they will assemble at Prairie du Chien to hear it.

Mr. Bean being here, and the services required of him being special, I have directed him to proceed with all possible despatch to Council Bluffs, and report himself to you for instructions, as to the most effectual and speedy mode of collecting a deputation from the Yankton, Sioux, Santies, and other tribes or bands interested. As the principal object in view, is a general pacification, you will inform such of the tribes of your agency, (if any,) who may have taken a part in the war with the Sacs and Foxes, that they must

not suffer any war parties to move from their villages, and if any are out, to send immediately and bring them in; and not to strike an Indian before they hear the message of their great father, delivered by the commanding officer at Prairie du Chien.

In addition to, and as a means of effecting a lasting peace between the contending tribes of the Mississippi and Missouri, there will be something definite acted upon in relation to their hunting lands on the Missouri, and to the lines and boundaries of the different nations; an attempt will also be made for the attainment of other specified objects, should the measures, now in contemplation by the Government, be deemed practicable. You will be pleased to inform the Yankton, Sioux, and other tribes or bands of your agency, interested in this matter, that it will be of the utmost importance to them to be at Prairie du Chien, and hear the message of their great father, the President. It will not be necessary for any more than a respectable deputation of those tribes to be there, but the delegation should be composed of the best men of their tribes, and should be fully authorized to transact any business which might be deemed necessary.

It is hoped you will be prompt in despatching Mr. Bean on this mission, and of furnishing him with the necessary interpreters and assistance; as the least unnecessary delay might defeat the objects in view.

As, under the special authority vested in me, I have it in contemplation (should I conclude to meet those Indians myself at the prairie) to make some purchases of land, for the purpose of a common hunting-ground; you will therefore, without fail, cause deputations to be sent also from the Mahas and Ottoes, as well as the Yankton and Santies. The presence of those tribes will be necessary in establishing the line between themselves and the Sacs and Foxes, and they are parties in the claim to a part of the country, which I have it in contemplation to purchase for a common hunting-ground, &c.

I send my son, William, and Mr. Pope; they will give all the aid in their power, in accompanying the deputations. My son will afford an assurance to the deputies, that no injury will be done them by the enemy whilst with him.

Instructions have been forwarded to the agents on the Mississippi, in relation to the contemplated meeting, which, it is wished, shall take place by the 4th of July, at furthest.

Under an impression that your health is not sufficiently restored to accompany those tribes, you will be pleased to place the Maha and Ottoe deputations under the charge of Mr. Bean, who is directed to take them on in company with the Sioux if they shall not thereby delay the Sioux, who are considered one of the parties to whom the President's message is particularly directed.

With high respect, &c.,

Major JOHN DOUGHERTY,

Indian Agent, Upper Missouri.

MW. CLARK.

(A.)

CANTONMENT LEAVENWORTH, May 7, 1830.

SIR: I have just received instructions from the superintendent, under date of the 25th ult., on the subject of your mission to Prairie du Chien,

by which I am directed to give you all the aid in my power, to enable you to take a deputation of the principal men of the Ottoes, Yanktons, Sioux, O'Maha, and Santie tribes to that place.

Mr. Stephen Julian, my interpreter, with one public horse, and such other necessities for your trip as can be procured at this place, will be ready early to-morrow morning. After you have reached Mr. Cabanna's trading establishment, should you be able to employ Charlot Monbrum as interpreter, you will please send Julian back to this post.

Monbrum will suit you the best, as he speaks the O'Maha as well as the Ottoe, and is much the most efficient of the two in crossing rivers, &c. Should you not be able to employ Monbrum, you most probably can hire Martin Dorion.

The superintendent directs me further to give you instructions in addition to those you have already received from him; you being, however, so well acquainted with the country, and the character of all the tribes named by the superintendent, that I deem it only necessary to give you a copy of his instructions to me, (which you will find enclosed,) and add my confident hope and sincere wish that you will use every exertion in your power, to carry into effect the views of the Government on this subject. Wishing you a very pleasant and successful trip, I am, with esteem and respect,

Very respectfully, &c.,

J. DOUGHERTY,

Indian Agent.

Major J. L. BEAN,

U. S. S. Indian Agent.

(C.)

CANTONMENT LEAVENWORTH, *May 14, 1830.*

DEAR SIR: The day after Julian left this, with the horses I sent you, to supply the place of those you lost, three Ioways from the village on the Platte arrived at this post, with information that a large war party of Sacs and Foxes had passed by that village but two days previous, on their way up the Missouri, in search of either Ottoes, O'Mahas, or Yanktons. It so happened that the Voleur of the Ottoes and Walk-in-the-Rain of the Upper Ioways, both chiefs, returned to this post a few minutes after the arrival of the above information, and conversed with the messengers themselves. The Voleur seemed much concerned for the safety of his people, and after conversing with us a few moments, he set out just before night for home, for the purpose of giving to his people the earliest notice of the danger they were in. The Ioways further inform, that another large party of Sacs and Foxes had just passed out further north in search of the Yankton and Sioux also. The Voleur is of opinion that it will be attended with much difficulty and great danger to take a small party of any of the Missouri Indians across the country to Prairie du Chien, and that very few if any will be willing to make the attempt. Believing him to be correct in his views on this subject, and having understood that the Sacs and Foxes have recently killed and scalped twelve Yankton Sioux squaws, besides one scalped alive; and now understanding that these two large parties are out scouring the country over which you would have to pass, and as they no doubt left their villages without any knowledge of the views of the President relative to the intended meeting of the several tribes at the prairie, and having just this moment been

informed by two Frenchmen, three days from Council Bluffs, that the Yanktons were assembling a war party at the river Jaque, to go against the Sacs, I have concluded to send to Council Bluffs for the purpose of conveying you all this intelligence; and should your instructions from the superintendent not forbid, I will also suggest to you, that in the event that the Indians may be disinclined to go across the country to Prairie du Chien, as I much fear will be the case, you would propose to take them by water, which they would doubtless readily agree to; and in order to further the views of the President as much as possible, and prevent a failure in any event on the part of the Indians, to meet in compliance with the desire of their great father, I have deemed it proper to send Major Beauchamp to collect the Ottoes and O'Mahas with instructions, should they refuse to go with you across the country, to bring them down by water to this place. There will no doubt be opportunities to bring down on the traders' boats such of the chiefs and principal men of the several tribes as may be required.

Very respectfully, &c.,

JNO. DOUGHERTY,

Indian Agent.

Major J. L. BEAN,

Sub. Ind. Agent.

(B.)

CABANNA'S TRADING LOCATION,

Upper Missouri, May 18, 1830.

SIR: You will observe, from what will be handed you by the bearer, that I am now on my way, under orders from the superintendent of Indian affairs, to the Yankton and Santie bands, for the purpose of inviting them to join the O'Mahas and Ottoes, to accompany me across the country to Prairie du Chien, to attend a treaty of peace, which will be held at that place on the fourth day of July next.

The object of the treaty is, not only to establish peace between the Indians of the Mississippi and Missouri, but to ascertain and fix the boundaries of each of the contending parties, to the country lying between those two rivers; and, as the Yanktons and Santies have large claims, it is of the first importance that they should be represented: and, on this account, I am extremely anxious for you to use your influence in persuading them to accompany me, and fix the day as early as the tenth of June for moving across. Let the point of meeting be at Floyd's grove. Can you, will you, exert yourself? I am now detained here on account of my horses, having rode them post haste from St. Louis. Rest is necessary.

Yours, &c.,

JON. L. BEAN,

Sub-agent, Upper Mo.

Mr. COLIN CAMPBELL,

Sioux Interpreter, &c.

ROCKY ISLAND, June 7, 1830.

SIR: I have to acknowledge the receipt of your letter of the 30th ultimo, and am happy to understand, that the going down of the Sac and Fox chiefs,

and others, to St. Louis, to visit you, meets with your approbation and satisfaction.

I have no doubt but those chiefs must have said much to you about the massacre of Piemansky and friends, going up to Prairie du Chien, to a council, perhaps more than would be prudent to commit to paper; but when I have the pleasure of seeing you, I will relate things to you that you are yet unacquainted with, concerning that vile affair.

The horses Keokuck told you about, were collected by his nephew, with intention to bring them up, and deliver them to me in person; but some white men arrived at the Sac village, on Ioway river, claimed them, and took them away.

Mr. Dougherty has been misinformed, (in my opinion,) by the Ioways, about any war parties of Sac or Fox Indians from this quarter; but it may be Sac, and Fox, and Ioway Indians, from their villages on the Missouri, who have been to war, and wish to shuffle the blame from Missouri to Mississippi; but Gen. Hughes, if he is at his agency, ought to know something about this matter; but he may not yet have arrived from Washington City, as he was there after the 16th ultimo; however, I will find this affair out, and acquaint you of it.

I shall by all means keep the Fox Indians, now near this place, in ignorance of the white people having taken possession of their mines; for, it appears to me, if they knew it, blood would be shed. I hope the officer, commanding Prairie du Chien, will send a force, on the application of Mr. Warner, to drive off those intruders on the Indian lands. It seems to me, that many things occur this year to frustrate the approaching treaty, and all occasioned by the misconduct of white people; however, I yet hope for the best. As respects Mr. Conner, the blacksmith, at this place, the Indians' complaint is as follows: Early one morning, (some time ago,) some Indians went into the smith's shop about some work they wanted done, and not finding Mr. Conner there, they commenced hammering a piece of iron on the anvil. Mr. C. was unwell; he could not eat breakfast; went to the shop not well; and, Dutchman-like, was sulky and cross, and said some angry words. The Indians observed the humor he was in, began to laugh, which made him worse, and he cursed them; from this originated the complaint. It would not be prudent, (in my opinion,) to say any thing to Mr. Warner at present; with your permission, I will defer it until a future period, as he is now engaged in trying to remove the intruders on Indian lands, in which, with the assistance of the military, I hope he will succeed. By this opportunity I have written down to Francis Le Clair, at Portage des Sioux, to come to engage him; he is the most efficient man I know, in all the country, for this agency, as he will answer the double purpose of a man to work and to interpret, and his moral character is excellent. The Sac and Fox Indians have arrived for the feast I mean to give them to-morrow, but the appearances are bad. I close this letter, as I expect the steamboat Red river every moment. After the feast is over, I will write you again, either by express or otherwise.

I remain, &c.,

THOMAS FORSYTHE.

Gen. WM. CLARK,

Sup't Indian Affairs, St. Louis.

PRAIRIE DU CHIEN, *July 12, 1830.*

SIR: Pursuant to your instructions of the 26th April, directing me to accompany deputations of the Ottoe, O'Maha, Yankton, and Santie nations of Indians, from the Upper Missouri to this place, for the purpose of attending a treaty, to be held on the 4th day of this month, on the 27th April I left St. Louis, accompanied by Mr. Wm. P. Clark. After I had received your instructions, I found it necessary to purchase three horses, and hire two men to assist in the performance of the duties assigned me. On the 6th day of May I arrived at the upper settlements of the State of Missouri, and found it absolutely necessary to purchase two additional horses, and procure some provisions; and on the 7th May, reached Cant. Leavenworth, where I met with, and reported to, Maj. Dougherty, agent for Indian affairs, from whom I received all the assistance I required; and received from him the following instructions, see them marked A. On the reception of which I left the cantonment, and after an unavoidable detention of two days on Independence creek, reached the Ottoe village on the 17th; I here called together their principal men, delivered them your talk, and made known to them fully the views of the Government, as well as the object of my mission. After consultation, three chiefs and braves informed me that forty of their nation were ready to accompany me to the treaty; we then fixed on the 12th of June for our meeting at the mouth of Floyd's creek. I then left the village, and reached Cabanna's trading establishment, near Council Bluffs, on the 18th, and concluded to remain at this place a few days to recruit my horses, and immediately sent expresses to the O'Mahas, Yanktons, and Santies, informing them of the wishes of the President; and, at the same time, sent your talk, together with a flag for each nation, and a letter to Colin Campbell, the Sioux interpreter, marked B, intending to follow myself so soon as my horses were sufficiently recruited. On the 19th, Maj. Beauchamp, sub-agent at Cant. Leavenworth, arrived with the following letter from Maj. Dougherty, marked C. I was also informed by Maj. B., that he would remain until I left, for the purpose of taking deputations of the Ottoes and O'Mahas to Cant. Leavenworth, if they refused to accompany me across the country. On the 9th day the express men returned, and informed me, that the O'Mahas had agreed to accompany me, and would meet at the time and place fixed on for the meeting of the Ottoes; that the Yanktons and Santies were starving and dying in their camps; that the Sacs and Foxes had but a few days previous killed 12 of their numbers, and that they were afraid to venture. I then called on the Ottoes, and ascertained that they had declined going across as previously agreed upon, and said that they had determined to accompany Maj. Beauchamp down stream. This very sudden change made considerable inroads upon my former arrangements, and seemed to threaten destruction to the principal objects of my mission. At the time Maj. B. arrived, he informed me that he had instructions to take deputations from the Ottoes and O'Mahas down the Missouri and up the Mississippi, in case they refused to accompany me across. I at once informed him that the Ottoes had agreed to accompany, and would do so, if the other road was not pointed out to them; but if it was, they would not hesitate a moment in accepting his route. It was not my wish that any of the Indians should go down, because the more that would agree to come across, the greater the certainty and inducement for each nation to send deputations to the treaty; because the stronger the party, the less would be the danger of passing through an

enemy's country; and notwithstanding the continued determination of the O'Mahas to accompany me, after I had left to visit the Sioux, Maj. Beauchamp and his interpreter, Julian, visited their village for further information. In speaking upon this subject, it is not my wish to be understood as charging Maj. Beauchamp with an interference, either with the Indians or myself, because I do not *know* that fact. But I am fully persuaded of the interference of Julian, the interpreter, in persuading and advising the Indians to take the lower route; hence, I do attribute to this as the cause, in part, of my failure to procure deputations to accompany me from the lower bands. On the 2d day of June, I arrived at the trading location of the Yanktons, where I was informed by the trader La Compt, that the Yanktons were starving and he did not think could go. On the 4th, a Sioux Indian arrived from the Yankton and Santie camps, who informed me that his people were ten days travel from that place on the river Jaque; that they were still starving, and were then in pursuit of buffaloes; that it would be hard to find them; and if they could be found, he did not believe that they could leave their families. After having received this intelligence, I became fully satisfied that it would be impossible for me to find the Yanktons and Santies, and arrive at the treaty ground at the time fixed on for the convention of the Indians, and the holding of the treaty; and, consequently, concluded to see the O'Mahas as soon as possible, and abandon the Yanktons and Santies, because I was convinced they could not be found and convened in any reasonable time; and if found, that the appalling news of the approach of their enemies would doubtless reach them as soon as I could; and with this news, it would be completely out of my power, (if they were even well supplied with provisions,) to induce them to accompany me. Notwithstanding all of which, I determined that no chance should slip, were it possible to have them present at the treaty; hence I left instructions for the Sioux interpreter, (who was then absent in search of the Indians,) that if he returned to the point where we then were, in time to reach Prairie du Chien by forced marches by the 4th of July, to follow me by all means: but if they did not get together in time, that it would be useless to come on to the treaty, which I believed would only last a few days. Whereupon I left the Missouri with fourteen O'Mahas, who volunteered, in the face of all difficulties, to accompany me to the treaty; and, after a travel of nineteen days, we arrived at this place. In the performance of the duties assigned to me on this trip, it was necessary for my party to travel upwards of twelve hundred miles; eight hundred and fifty through a wilderness; all of which time I was accompanied by Mr. Wm. P. Clark, who afforded me, on many occasions, necessary and important assistance, for which I shall ever feel grateful.

Respectfully, I have, &c.,

J. L. BEAN,

Sub-agent, special duty.

Gen. WM. CLARK.

Sup't Indian Affairs.

(A.)

CANTONMENT LEAVENWOTH, *August 12, 1830.*

SIR: In May last I was sent from this post by Major John Dougherty, Indian agent, with orders, under special circumstances, to bring down a deputation from the tribes of the Ottoe and O'Maha Indians. The manner in

which I discharged that duty I presume you are apprized of, as a copy of my report to Major Dougherty has been furnished you by him.

My business in that matter necessarily brought me in conference with Major J. L. Bean, sub Indian agent; and, in some measure, my movements were made to depend on his, as he had been previously charged to take a deputation of those tribes to Prairie du Chien.

Major Bean, I am told, has reported to you the result of his mission, in which he has made mention of events connected with my name. Permit me, therefore, most respectfully, to request of you a copy of his report.

I am, &c.,

R. P. BEAUCHAMP,
Sub Indian Agent.

General WILLIAM CLARK,
Sup. Indian Affairs.

(B.)

SUPERINTENDENCY INDIAN AFFAIRS,
St. Louis, August 23, 1830.

SIR: I have to acknowledge the receipt of your letter of the 12th instant, in which you request to be furnished with a copy of Mr. Bean's report to me of his mission to the Upper Missouri Indians, &c.

In answer to which, I would observe, that Mr. Bean was charged with the execution of special duties on the mission alluded to, and was directed to report the result of his trip to this office. He did so; and, although I should feel much inclined to gratify you by furnishing a copy of his report, yet the proceeding would be irregular, and would establish a precedent which I should feel disinclined to sanction. I cannot conceive any more right you could have to request a copy of Mr. Bean's report to me, than a copy of my instructions to him; and yet, as regards the matter of *delicacy* in a request for either, I can see no difference.

The report of Mr. Bean to this office, and the one you made to Mr. Dougherty, is, as far as I can perceive, substantially the same, and I have no doubt Mr. Bean will freely furnish you a copy on application: this he can do without impropriety, if he thinks proper so to do.

I am, &c.,

WM. CLARK.

R. P. BEAUCHAMP, Esquire,
Sub Indian Agent.

FRANKLIN, *September 1, 1830.*

SIR: It had been the intention of the Government to make no application to the Cherokee Indians further as to a removal, but to leave them to time and their own reflections. A treaty though having been concluded with the Chickasaws, by which their country is ceded, and a certain expectation being entertained that the Choctaws at the proposed meeting, the 15th of September, will likewise conclude to remove, a determination is taken to have these matters explained to the Cherokees accurately, that they may consider again their situation. You are accordingly requested to proceed to the nation and employ all fair arguments you can to induce them to awaken to

a sense of their true condition, and remove from the country they occupy, where constant disturbances attend them, and where, to remain, they cannot be happy. In doing this be candid, avoid all imposition, and attempt no undue or improper course.

All this can be done in the course of fifty days, and to this period you are limited in the execution of the trust confided to you. If undertaken, your actual expenses only will be admitted; and, to prevent trouble in keeping accounts and vouchers, your allowance will be three dollars a day.

Respectfully,

J. H. EATON.

Colonel JOHN LOWREY.

OFFICE INDIAN AGENT,

Green Bay, Sept. 1, 1830.

At a talk held by the United States' Indian agent, with the chiefs of the Menomonie nation, this day convened agreeably to a formal request made by the said chiefs, at which General Mason and Judge McCall, two of the United States' commissioners, attended, upon the special invitation of these chiefs:

"*Grizzle Bear*," or *Bear's Grease*, on behalf of the others, said—

"Father, I come to shake hands with you to-day, and let you know what your children all think. Although one of our head chiefs is absent, his father (adopted) is here present, and will agree to what I say. We are happy to think that there are two of our fathers, the commissioners, here, to hear what we have to say, because our principal man of every lodge is now present

"Father, the council has kept us longer than what we expected, or we should have been here sooner to-day, to ask you some favors. Father, you see that a great many of our people are gone, and you see what remains of us. We wish you to give us a little ammunition to help us to feed ourselves and families on the way home. You see how fond we are of smoking, and as we are out of tobacco, we have to take a stick between our teeth, as a substitute. Father, you must listen to me with patience, as I represent all the chiefs who are here present. And, father, we are obliged to look to you for all these things, as we are a poor set, brought up in ignorance, and all our dependence is now on you. Father, we wish that we could read and write, so that we could know what our great father, the President, says to his children, when he sends his commissioners here to treat, and make arrangements with them. Father, we have a great desire to go and see our great father, the President, with you, and any other person we have confidence in, after we have gathered our wild rice. We now positively wish that we may go and see him, if we can get an invitation, after we are done gathering our rice, so that we may see his lips move when he speaks, and his heart beat. Father, all here, who are present, have one voice; you see no murmuring; we wish to see our great father, and we wish you to write to him yourself for us. And, as we are not able to pay our own passage, we wish he would bear our expenses in going and coming home. We wish you to go with us, as we have all confidence in you. We

have a word now to say to our fathers, the commissioners." [They then said a few words to them.]

The above is taken down *verbatim*, as translated from the Menomonie to the French, by Mr. Charles Grignon, and from the French to the English language, by Mr. Conner, interpreter for the commissioners, who attended at the request of the Indian agent. *Oash Kosh*, (the Brave,) the principal chief of the Menomonie nation, stood beside the council chief, *Bear's Grease*.

To the foregoing talk of the Menomonie chiefs, *Mr. Stambaugh*, the Indian agent, replied—

"Brothers, I am glad to see you all here this evening, and have listened with much attention to what you have said. It has given me great pleasure, during my attendance upon your council with your fathers, the commissioners, to find that your people behaved themselves orderly and peaceably as became good children. Brothers, your request to be furnished with ammunition, and with pipes and tobacco, is complied with. I will have the ammunition ready for you to-morrow morning, at which time I wish you to furnish me with the names of your chiefs who take charge of it, and the number attached to each band. Your ammunition will then, hereafter, be divided equally among you, and there will be no more complaints about some getting more than others. Your great father, *General Jackson*, will see justice done to all his children. I will have some pipes and tobacco brought to you immediately where you are now sitting, so that you shall not "smoke a dry stick" any more this evening.

"Brothers, I will write your great father, the President, and tell him what you have said to me. Your great father loves you as he loves his white children, and always inquires kindly after you. He would be glad to see you, and shake hands with you; he will speak to you, and give you good advice, and hear all you have to say; and you, like good children, will love him and obey him. I will now write to your great father, by the next vessel, and tell him all that you have said to me, and what I have said to you in this talk. Whenever I hear from him, I will send you word, which will be about the time you get done gathering your rice. If he tells you to come and see him, he will direct that all your 'expenses shall be paid.'"

After the agent had made the above reply to all the chiefs, he called the "Great Wave," the chief who signed, as the principal, the treaty with the New York Indians, in 1832, and thus addressed him—

"I have been told several times within the last two days, that you and some of your people are dissatisfied with what your chiefs have done in the present council, and that you have threatened acts of violence upon them. This, I cannot believe. You are too good a man to agree in council to what has been done, and call it the unanimous voice of the nation, and afterwards to deny it. I want you now to tell me whether these stories are true or false, and whether you bear any malice against your chiefs."

To the above, "Great Wave" replied—

"Father, what has been done, by our chiefs in council, is my voice, and the voice of the nation. And what has been done here, is what we all wish. We have wanted this long time to go to see our great father, the President, and we feel rejoiced to think that we may be permitted to do so with you."

GREEN BAY, September 1, 1830. This talk, as it is written, was held

by Mr. Stambaugh, the Indian agent, with the chiefs of the Menomonie nation, in our presence.

JOHN T. MASON.
DANIEL JACKSON.
J. D. DOTY.
WM. B. HUNT.
HENRY CONNER.

The chiefs of the New York Indians to the honorable commissioners, beg leave to reply to the communication of Judge Doty of the 1st inst. on behalf of the Menomonie and Winnebago nations.—First. As to the assertion, that the declaration of the honorable commissioners, and of the New York Indians, of a *sale* of land and *payment* therefor, as negotiated between the parties now at issue, “is false.” Whatever might have been the intention of the commissioners in assuming this ground, the New York Indians rest solely upon the terms of the treaties and the receipts passed in acknowledgment of the considerations, which they have supposed sufficient, at least, to justify the calling of the transactions “a sale,” &c. Whether the sale was *fair* seems to be the question at issue, and it was hardly to be expected in common courtesy, that giving the transactions their own legal and proper denomination without assuming the question of their equity, would subject the commissioners, or the New York Indians, to so harsh a charge as that of FALSEHOOD. To support this charge, reference is made “to the testimony recorded in the journal of the commissioners” of 1827. It is not in *our* power to quote that journal. The utmost possible, however, it can be supposed to prove, could not annihilate the *fact*, but only affect the *character* of the sale in equity, and we have before to the same transactions in proof of the equity of the purchase. The *notes* preserved by us, of the testimony referred to, and also by a disinterested person, who happened to be present at the treaty of 1827, which notes we presume cannot differ essentially from the official documents of the commissioners, go to establish all that is essential to our purpose, especially when the character and relations of that testimony, are understood and appreciated.

Since the learned counsel opposed to us, has accused us of *falsehood*, we suppose it fair to refer to a document, presented and read by himself in 1827, as part of the testimony which he now refers to, and which document is said to have been formed by himself—himself a witness to its veracity. This document is a memorial of certain Menomonie chiefs to the President of the United States, dated June 16th, 1824, and it asserts, “not *one* of whom (the chiefs signing this memorial) was present at that treaty;” that is, the treaty of 1822. Whereas one of the chiefs, viz. *Saykee-took*, signed that treaty. Now we allow this *might* have been a mistake, but it was a very strange and a very unnecessary one. Another of the same chiefs, viz. *Kels-kani-no-nien*, signed the treaty of 1821.

This document got up in 1824, as a memorial to the President, under all its advantages and pains, may, we suppose, fairly be considered as embodying the *substance* of the testimony referred to; only *seven* of all the Menomonie chiefs, it seems, could be persuaded to subscribe it, *two* of whom were

subscribers to the treaties of 1821 and 1822, (one to the former and one to the latter;) another of the seven, Oush-Kosh, was a mere boy at the time of those treaties. And *besides* when these very chiefs came to be informed of the true nature and intent of that memorial, they sent word to Detroit to have it arrested; and at their instance it *was* arrested, but after a year or two forwarded without their consent.

It is singular, indeed, that because certain men have been *created* chiefs and made *principal*, since 1821 and 1822, and consequently, could not have been the highest authorities in those treaties, it should thence be asserted that *none* of the chiefs and principal men, were concerned in those negotiations. The New York Indians are willing to abide by the proofs in the case, when fairly adduced. It is not their design here to go into the argument. They have only to request, that the confidence of *assertion* may not be taken for evidence.

As the moral and confidential considerations, involved in the negotiations of 1821 and 1822, have been necessarily drawn out in this controversy, it is due to the New York Indians in the present state of the argument, and especially to meet the animadversions of the communication now under review, on the *price per acre* paid by us for a territory 140 miles by 75, to make some remarks.

The additional territory desired and asked for by us in 1822, including what was negotiated in 1821, embraced precisely, or nearly the same with that which was comprehended in our first overture to the honorable commissioners; covering a country about 45 miles by 26, at the voluntary instance of the Menomonies themselves, and for the moral and confidential considerations already referred to, we *accepted* the larger territory in trust, to be tenanted and used in common, we did not desire it, we have never asserted a *purchase* of this wide territory, except *confidentially*, and for the sacred considerations specified. Had we been limited to our own request, we should have taken the land *only* on the terms of the first treaty, independent of the right of tenancy in common, and we ourselves have become embarrassed in our claims, for the sake of doing a favor to our brethren, the Menomonies. Considering therefore the actual limits supposed to be involved in the *purchase*, considering the time when the negotiations were held, and the value then attached to these lands, there is no evidence, that the price stipulated and discharged by us, was not a fair one between the parties; and if the value of this territory has since risen in a suppositious market, it is altogether unfair to turn upon us, and say we have overreached the Menomonies; why not bring the same charge against the United States, for the many wide territories they have acquired of Indian nations for even smaller considerations, and which have since become highly valuable? Ten miles square, or a hundred square miles on Connecticut river in Massachusetts, taking Northampton for a centre, was once sold by Indians to the whites for 20 shillings sterling, and has been gravely defended by moralists as a fair bargain—the full value of the land at the time. And are we to be ejected from our purchase at this time, by a showing that this land is *now* worth more than what we gave for it?

As to the *invidious* remarks of the learned counsel, respecting our better dress and manners, and the superiorities of our condition in sundry respects, our cunning, learning, &c., we do not think it becoming to make a grave reply. The argument of our cause lies in its own merits, in naked facts; and

on these we are willing to rest it before the commissioners, before our father the President, before the nation, and before the world.

By order of the chiefs of the New York Indians.

P. N. H. AUGUSTINE.

GREEN BAY, *Sept. 2, 1830.*

N. B. The statement made by Judge Doty, of \$3,950, paid by the New York Indians for their land, should have been \$5,000.

INDIAN AGENCY, *September 2, 1830.*

SIR: Nothing but a sense of my duty could induce me to obtrude my opinion on you, on this important occasion, knowing that it is the wish of the executive and legislative Government of the U. States, as well as of a large majority of the people of this State, that the Indians should be removed westward, and strongly impressed with the belief that it can be done at a much earlier day than has been anticipated, I think it my duty to inform you, that part of the Indians of this agency are now waiting for means to be provided, and lands for them to settle on west of the Mississippi.

By my letter of the 10th July last, you were notified that two Miamies were gone to the Missouri; more of that tribe are waiting to go; and yesterday they requested me to inform the President that they will go immediately, on receiving their annuity for this year, if a place is provided for them to settle on where they cannot be again disturbed. A portion of the Pottawatamies is also ready and urging for means to be furnished, and some person to accompany them, and are anxious to go this fall.

Part of the land owned by the Miamies can now be purchased, but not all; and in effecting this business, an exchange of land is preferable to a purchase; if a few refuse to sell or to exchange, then let them divide their land; some may want to remain for a short time, but will soon follow their relations. The Pottawatamies are more numerous, and scattered over a larger territory in little bands. They own land in Illinois and the Michigan Territory; a part of which, as well as in Indiana, can now be purchased. An attempt is expected to be made to stop, or rather to concentrate some of these people, at points to suit individuals. This however can be avoided if looked to in time.

If land west of the river, is now ready for these Indians to remove to it is very desirable that some person in whom they repose confidence, should be despatched with a few chiefs and young men to view it. He that accompanies them should be a *removal*, not a *retarding* man.

I have been long in office, and avail myself of this occasion to apprise you that I intend ere long to resign, but am willing to remain for a short time and assist in the removal of the Indians; and if you desire me to do so, I will accompany them that go from here to examine the country.

I am confident that, within three years, the necessity of an Indian agent or agency in this State may cease. Much however remains to be done in that time.

With great respect,

Your obedient servant,

JOHN TIPTON,

Indian Agent.

Colonel THOS. L. McKENNEY,

Office Indian Affairs.

TONNEWONTA COUNCIL HOUSE, *September 4, 1830.*

BROTHER: We, the chiefs and warriors of the Seneca nation, at a grand council of the Six Nations, convened for the purpose of electing a chief to supply the place of our departed brother, Red Jacket, improve this opportunity to acknowledge the receipt of, and answer your letter, dated the 7th of July.

We can see no cause why our funds, amounting to \$100,000 and upwards, (of which the President is trustee for us,) in 1826, was vested in three, rather than 6 per cent stocks; nor why they were not vested in stock of the present United States Bank, when the old stock was taken up. But we have said enough concerning the past: our object in writing this is to try to remedy those evils, and to render our capital more productive in future.

We now distinctly state our wishes, viz. that if the President will not now contract to pay us and our descendants for ever, an annuity of \$6,000, without waiting for a special act of Congress for that purpose, (if they should see fit to pass such a law,) we wish to withdraw immediately our whole capital, and reinvest it in this country, where we can obtain at least that sum for it. If this meets your approbation, please to inform us what forms and authority it will be necessary for us to give our Indian agent, to receive the money, and carry your instructions into effect. If you do not think best to comply with our wishes, please to inform us immediately. Were we not convinced that the President is our *good friend and father*, we would be very sorrowful: the land we sold for the capital is *increasing* rapidly in value, but our annuity seems decreasing; yet the Great Spirit made us both.

In October we hope again to meet at a general council, to receive our goods, and what money our agent may have for us; and we should be pleased to hear your determination before that time, so that we then may be prepared to devise ways and means to get it here, and dispose of it, if you conclude to fulfil *our wishes*. May the Great Spirit protect and preserve you.

JIMMY JOHNSON, his x mark,

First chief of Six Nations.

JOHN FOPP, his x mark.

BIG KETTLE, his x mark.

BLACK SNAKE, his x mark.

GEUP LEADEYE, his x mark.

BLIND SNOW, his x mark.

JOHN SNOW, his x mark.

YOUNG CHIEF, his x mark.

LEVI BELFLOWER, his x mark.

JACK SNOW, his x mark.

CAPT. POLLON, his x mark.

DESTROY TOWN, his x mark.

JOHN SWAN, his x mark. *Buffalo.*

SENECA WHITE, his x mark.

HENRY HOO EQURES, his x mark.

WHITE SENECA, his x mark.

FALL PETER, his x mark.

JONAS, his x mark.

GEORGE SKUYATHCLE, his x mark.

Witness: { JOSEPH NIXON,
HENRY OBAY.

Honorable JOHN H. EATON, *Secretary of War.*

INDIAN AGENCY,
Green Bay, September 5, 1830.

Application by the Menomonie Indians to visit their Great Father, the President of the United States.

Grizzle Bear, Josette, the Sun, and their bands, called on the United States' Indian agent this day, with their bands, and, in the presence of Robert Irwin, esq., Mr. Jackson of New York, and General Mason, Grizzle Bear said, "Father, you see us all here to bid you farewell; our people are all pleased with the hope of going to their great father. Our people have all great love for you, and place confidence in you; they say they can now see before them, and think they will be happy. Father, we all wish you alone to go with us to Washington, and take care of our interests there."

Josette said—"Father, we did not for a long time know who to look to or ask for advice. Our people are now all happy when they see you. We ask you, one and all, to urge our request to go to see our great father; and there are many who say now that they will go with us, but we want to go with you."

The above speeches were made in presence of Mr. Irwin, postmaster, Mr. Jackson, Mr. Mason, and Mr. Prickett, United States' interpreter.

DANIEL JACKSON.

MEDINA, NEW YORK, Sept. 6, 1830.

SIR: In accordance with your instructions, communicated to me concerning the Seneca stock, I beg leave to report:

First. That the Seneca chiefs are unanimously desirous to withdraw their stock, and re-invest it in this section of country. They appear to have imbibed an unconquerable jealousy since its proceeds have diminished, and they have learned that it had increased in amount at the time of its re-investment in 1826, which no explanation of mine can do away. I have just returned from attending a grand council where the subject was discussed after they had elected a chief to supply the place of Red Jacket. Cornplanter, Tomy King, and Strong, were absent in consequence of sickness, (therefore, their names are not on the memorial;) but they requested the other chiefs who attended to express their sentiments as being in accordance with the memorial, and the whole Seneca nation. They do not blame the present administration for the acts of the past, particularly since they conversed with you by deputation at Buffalo; but they look up to it confidently, not only for justice, but also for the fulfilment of their wishes, as it regards their stock. On being told that the President would probably hesitate to warrant them \$6,000 annually for ever, without first obtaining the sanction of Congress, they replied, they did not see what Congress had to do with the money; the President they had appointed their trustee: they wished to transplant their money, and they then would be satisfied.

Second. There will be no difficulty in loaning the Seneca stock in this county for seven per cent., on bond and mortgage to double the value. I have investigated the subject fully since you made the request, and have no hesitation in saying that I can readily effect this. Six per cent. is all the Indians expect. I told them there would be some expense attending its

management, and that expense of course would depend upon the simplicity of the scheme. Many of the most wealthy and respectable freeholders would give seven per cent. for the use of a part of it, and give bonds and mortgages on property with double the amount, and increasing daily, renewable at longer or shorter periods, at the option of the manager of the stock, so as to render it improbable that any mortgage could be foreclosed.

Thirdly. Taking into consideration the will of the Seneca nation, their obstinate jealousy, and the facility of loaning their money in large or small sums, I should, upon the whole, be glad to see their wishes gratified, as they are now very troublesome and unhappy, without any real benefit resulting to themselves or others.

With much respect, &c.,

JUSTUS INGERSOLL,

Agent Six Nations New York Indians.

Honorable JOHN H. EATON,

Secretary of War.

SUPERINTENDENCY INDIAN AFFAIRS,

St. Louis, September 8, 1830.

SIR: The difficulty of transmitting funds to several of the agencies within this superintendency renders it necessary for advances to be made to them to meet their demands in time to settle their accounts. I shall therefore draw upon the department for the balance of the amount allotted to this superintendency for disbursements within the present year.

Congress having adjourned without making appropriations to cover a part of the estimates prepared by me for arrearages of \$26,490, or to carry into effect the 11th article of the treaty of Prairie du Chien of 19th August, 1825, and for sundry expenses connected with the removal of the Delawares and other tribes, &c., has compelled me to borrow funds of the United States Bank at this place to pay the expenses of the last treaties at Prairie du Chien, the arrearages, and the removal of Indians, &c., for which I have to pay discount for a large amount; and, latterly, the Delaware nation residing in this State request that the conditions of the supplementary article to their treaty be carried into immediate effect, as they intend to move immediately to their land above the Kansas river, and in time to erect their buildings and prepare for winter. Small parties are moving west, and the tribes of Weas, Piankeshaws, and Peorias, request assistance in provisions, stock, &c.

I have received no funds for those objects, and must request the favor of you to place at my control such funds as the Government may deem necessary and proper to be expended to carry into effect Indian treaties, the support of Indians settled on lands exchanged and assigned to the several tribes near the Kansas, and those Indians moving in small parties from Ohio, Indiana, and Illinois, to join their tribes west of this State.

With high respect, &c.,

WM. CLARK.

The Hon. JOHN H. EATON,

Secretary of War.

OFFICE OF INDIAN AGENT,

Green Bay, September 8, 1830.

SIR: I have the honor of transmitting to your excellency, enclosed, an application from the chiefs and head-men of the Menomonie tribe of Indians for permission to send a delegation to Washington next winter, for the purpose of holding a *talk* with you. In forwarding to you this request, I conceive it to be my duty briefly to communicate the circumstances under which it was made, and give you some reasons which, I believe, render it highly important to the Government, to the Indians, and to the peace, happiness, and prosperity of this interesting section of country, that the chiefs of the Menomonie tribe should see their great father, the President of the United States, and make known to him in their own way, separate and apart from improper interference, their views and wishes in relation to their dispute with the New York Indians, which is now costing the Government, annually, large sums of money, without producing any beneficial effects to either of the parties concerned.

It is known to your excellency, that, by articles of a treaty entered into at Green Bay in 1822, the Menomonie and Winnebago Indians *appear* to have ceded to certain agents or delegates, of five of the *Six Nations* in the State of New York, a vast portion of their country; and this cession appears to have been made in accordance with the instructions of Mr. Calhoun, Secretary of War, and Governor Cass, and confirmed by the President, *Monroe*, March 13th, 1823. Mr. Calhoun sanctions this confirmation in a letter to the chiefs and head-men of the New York Indians, dated October 27, 1823. By these articles of a treaty, the Menomonies and Winnebagoes cede to the New York Indians (including a cession made by the same parties the year previous) about six millions seven hundred and twenty thousand acres of land, covering an extent of about one hundred and forty miles in length, and about seventy-five miles in breadth, embracing all the best land, water privileges, &c., &c., in the country. For this, it appears that the New York Indians have paid *in goods*, through their agents, \$3,950; which they now alledge was given in addition to "other valuable consideration of a *"moral and confidential nature."*

By virtue of the right vested in them by the articles of a treaty just adverted to, the Stockbridge, St. Regis, Tuscarora, Oneida, and Munsee tribes, sold a portion of the land ceded in 1821 and '22, to the Brothertown Indians, another of the *Six Nations* of New York, by articles entered into on the 8th of January, 1825. The consideration of this sale was the payment of \$950 "to the Menomonie tribe, &c.," and this \$950 was part of the purchase money due from the grantors in this sale to the Menomonies, for lands sold by them to the New York Indians in 1822. The receipt of this sum is acknowledged by an instrument appended to the treaty of 1822, *dated September 18, 1824*, and signed by Indians who do not appear to exercise any influence here now, and who absolutely deny having received this amount of money. Thus matters stood till the treaty of 1827 at Little Butte des Morts, held by Governor Cass and Mr. McKenney. Previously, however, the chiefs and head-men of the Menomonie nation had petitioned the President of the United States for a redress of their grievances, declaring that their lands had been fraudulently acquired by the New York Indians, and that none of the "chiefs and head-men" of their nation were present at the treaty of '22. But Mr. Adams, it appears, never gave an

opinion on the question, and it is now (still more incumbered by the treaty at Butte des Morts, and other subsequent acts,) left for your excellency to decide. You will perceive, by looking at the treaty of '27, that it was held in pursuance of a provision in the treaty at Prairie du Chien, in 1825, for the purpose of establishing the southern boundary of the Chippewa country." Yet the commissioners went on to investigate the dispute between the Menomonie, Winnebago, and New York Indians; and then purchased of the two former tribes a tract of land on the Fox river, surrounding the settlement of Green Bay, and covering an extent, as I have ascertained, of about twenty-six miles in length, and six miles in width, on each side of the Fox river. In this purchase, the *private claims* are embraced, which, if the whole batch is confirmed that will be applied for, the *whole purchase* will be owned by individuals. At present the confirmed claims cover six miles on each side of the Fox river, running back three miles. For this cession by the *Menomonies*, the commissioners paid in *goods*, according to the articles of the treaty, \$15,000; which all parties here now agree was taken by the *New York Indians*, the *Winnebagoes*, and *Menomonies*, as if they were all parties to the sale. The question in dispute is thus rendered more intricate; for, if the New York Indians had no right to the lands, they surely ought not to have received any portion of the purchase money. Besides, the articles themselves imply doubt, and throw all the responsibility on the President, as you will perceive by the following proviso, which follows the establishment of a boundary line, &c.: "Provided, that if the President of the United States should be of opinion that the boundaries thus established interfere with any just claims of the New York Indians, the President may then *change* the said boundaries in any manner he may think proper, so that the quantity of land contained in the said tract be not *greater* than by the boundaries herein defined." This, being signed by the commissioners and the Menomonic chiefs, to say the best, implies *doubt* on the minds of both parties as to the right of the New York Indians to the lands.

I trust your excellency will excuse me for thus troubling you with this hasty outline of a matter which is no doubt familiar to you. Yet I apprehend that many transactions in this distant region, necessary for you to know, have been carefully kept out of view. I believe the Menomonic tribe of Indians have been most shamefully deceived both by the agents of the New York Indians and by their own agents and advisers. I believe the New York Indians have been duped and deceived by their own agents, and I am sorry to say the Government appears to have participated in the deception. I believe, also, that the Government has been badly treated: it has, to say the least, acted upon wrong information, and a serious burden has been thrown upon the present administration at a time when much excitement pervades the country on *Indian questions*. The present commissioners, you will learn by the same mail that carries you this, have effected nothing—except establishing a boundary for the New York Indians with which all parties are dissatisfied. It could not, under existing circumstances, be otherwise. The New York Indians say the faith of the Government is pledged to protect them in these lands; and they feel still more secure in their position by the appearance of *two commissioners*, (a majority of the board from the State of New York.) They are, besides, surrounded by agents and advisers who are, doubtless, deeply interested. They boldly say, if the present administration revokes the solemn acts of a former one,

which promised to secure *a home in these western wilds to them and their posterity, they can no longer have any faith in the Government.* On the other hand, the poor Menomonies, who are really the rightful claimants, have been buffeted about for the last 8 or 9 years, without knowing whether they were *at home* in their miserable wigwams. Their red brethren were plucking them on one side, and their *white ones* were no less active on the other. During all this time they were taught to believe that the Government of the United States had brought all their evils upon them, and still continues to oppress them. There is no difficulty in procuring teachers for such purposes in this section of country.

I have now been here twenty-six days, and within that time I have had my hand grasped by upwards of two thousand Indians, principally Menomonies, although there were not fifty within miles of the place when I arrived. They have the appearance of being the best disposed Indians I ever saw. They are very affectionate. Some of the old men who came, as they said, "to shake hands with their *new father*, and tell him of their pitiful condition," shed tears when I told them how well their great father, the President, loved them; and that he would see that they should have justice done them, and again make them a happy people. They have all, at different times, from the principal chief of the nation down, expressed a desire to sell a portion of their land to their great father; they say they are the only tribe in the country who are not receiving annuities, and that they thought the reason of it was, because their great father, the President, did not love them. I can already perceive a great alteration in them, especially since they have obtained some hopes of going with me to see you, and give you an account of the bad treatment they have hitherto received, and the consequent poverty and distress. They were all hungry and almost naked when they came here; and I found myself almost destitute of *means* to alleviate their miserable condition. Yet, for what I have done for them, they express the warmest gratitude, and have, principally, left this, apparently satisfied, for their homes.

The *talk* which I enclose, dated on the 1st September, was held, in due form, on the evening of the day on which the council adjourned. There were, perhaps, four hundred Indians present, including all their chiefs, except Josette Carron. They called upon the commissioners at their lodgings, and publicly requested them to attend a council which they intended to hold with me. General Mason immediately complied with their request, and, with Mr. McCall, and Mr. Conner, interpreter for commissioners, and Mr. Hunt, secretary to the board, attended. General Root refused to attend. As they announced that their talk was to be for a special purpose, I took down what they said word-for word, as it was interpreted to me, in the presence of the commissioners, Mr. Jackson of New York, Judge Doty, and Mr. Irwin, the postmaster at this place. Mr. Jackson, I beg leave to say to your excellency, has been a disinterested spectator during the sitting of the present council, and sometime before and since; and can give you much useful information, if applied to for it. Being a citizen of New York of high standing, yet too firm a friend of the administration to permit local prejudices to sway his testimony, when that testimony might effect it, I think much weight may be attached to what he may say.

In several talks with the Indians, they have made various complaints, which cannot be communicated in writing, with any kind of satisfaction, to you. They have given land, for instance, to some of their kindred, and

some of this is now threatened to be sold by white men for the payment of debts, &c. They declared that they were owners in common with the Winnebagoes for part of the lands ceded by the late treaty at Prairie du Chien, but that they receive none of the annuities which are now paid. They also want a line drawn between their country and the Winnebagoes. These things, and a great many more, they want done; and all these things, I beg leave to say, can be done without sending commissioners upwards of a thousand miles, at a great expense, to do it. I will say, in broad terms, let the Menomonie delegation go to Washington with the Winnebagoes, if they request it, and make known their wants and wishes to the President of the United States; and then let the Secretary of War, or another confidential friend of the administration, come here next summer, and arrangements may be concluded which may save the Government, in the end, an immense sum of money, and much difficulty.

Oash Kosh, the Brave, is the principal chief of the nation. Josette is the second chief. Grizzle Bear, or Bear's Grease, is the council chief, who spoke on all principal occasions. These three have since told me that they would like to be included in the party to go to Washington, in reply to a request I made that they should tell me whom they wished to select as delegates, and how many. As I have no knowledge of matters of this kind, I hope you will inform me in your answer to their request on the subject. Let me know when you will expect them; also, how many I shall take; their expenses, &c., &c., according to their request. They have said they wanted an interpreter to go with me; any person in whom they can have confidence, as you will perceive by their talk of the 1st September, meaning that they have no confidence in the present United States' interpreter, with whose services I am blessed, and who has been here for the last twelve or fifteen years. He can neither read nor write, and cannot speak one word of the Menomonie language! He interprets to and from the Chipewewa altogether.

If your excellency feels disposed to comply with the request of the Menomonie chiefs, and will direct me to repair with them to Washington this winter, please let me be informed of it as soon as possible, in order that I may get through the lakes before the weather becomes too inclement. I am here, *six hundred miles* from Detroit, and receive a mail only about once a month.

I am, very respectfully, &c.,

S. C. STAMBAUGH.

To his Excellency Gen. A. JACKSON,

President of the United States.

LITTLE ROCK, September 9, 1830.

SIR: By the last mail I received yours of the 16th of last month, from Franklin, Tennessee. Previous to the date of your letter, I had addressed a letter to you at Washington city, enclosing the account of the agent appointed to lease out and take care of the property received from the Cherokee Indians, under a late treaty for an exchange of lands between the States and that tribe. Upon my arrival here, May, 1829, a peremptory order from your predecessor was handed over to me, directing the improved lands acquired from the Cherokees to be leased; and, in the event of a refusal of

the occupant to take leases, to have the rents assessed. In June, 1829, I wrote you very fully on this subject, and, in compliance with the positive order of your predecessor, I employed Judge Scott, an intelligent and energetic agent, to carry the order into effect; and told him that he must look to the Government for reasonable compensation. To this letter an answer was received here in January last, approving what I had done. I gave Scott private instructions to use the most persuasive means to induce the occupants to take leases, and to assure them that I would do every thing in my power to secure them a preference in the purchase of the lands upon fair terms. The agent did, I believe, perform his duty most faithfully; but every one here, or the greater part of them, were against the course of the Government, and on the side of those who could get possession of the improvements. He could not prevail on a single occupant to take a lease, and he then proceeded, according to an order from your department, to assess the rent for each tenement, and to notify the occupants. I never saw the agent from the time of his appointment until July last, when he came here, and made a report of his agency; and lodged with me a schedule of the number of farms, the names of the occupants, the number of cleared acres on each farm, with the amount of rent assessed on each. He lodged with me, also, copies of the notices served on the occupants.

This schedule, with notices, I will forward to your department, or hand over to such officer as you may direct, but I must be permitted to say that, unless you have an attorney of more ability and energy than the present United States' attorney, the chances, in the event of suits against the occupant, are against the Government. Here are more than forty farms upon which rent have been assessed, and the whole amount of rent assessed by the agent is upwards of \$2,900. I directed Judge Scott, in July last, when he made his report, to proceed no further, and to consider his agency at an end, unless otherwise instructed by the Government. Permit me to request you to have his claim settled without delay: make him what you may consider a reasonable allowance.

The business was unpleasant, and exposed him to personal hostility. It was difficult to induce a man firm and competent to undertake it: his charge is high according to my view, but I must think him entitled to a liberal compensation. He tells me that a considerable portion of the farms upon which rent have been assessed, will be embraced within provisions of the late pre-emption law. These lands are valuable, and, with the improvements paid for by the Government, would have commanded a good price if they had been excepted from the general law for the disposition of the public lands. I have thus, without all the precision and detail which your letter seemed to require, given you the necessary information to enable you to decide what course ought to be taken. I am, as an individual, entirely willing that the plan of renting and selling the improvements should be abandoned; and indeed, considering that these lands have not been excepted from the general law, and the provisions of the late pre-emption law, there is but little prospect of your making much out of the project adopted and urged in such a peremptory manner by your predecessor. It was my business to comply with his peremptory order, and I have the consolation to believe I have done my duty. Permit me to call your attention to my letters of July last, and perhaps one in August, enclosing copies of letters from Colonel Arbuckle and Colonel Clark, in relation to Indian affairs. Some of the matters suggested in these letters, are not within the pale of my duty as Executive

of this Territory, but more properly belong to the agent of the Indian Department; but I will attend to your suggestions, whether within the scope of my official duties or not.

A few of the Shawnee and Delaware Indians settled some years ago, in Izard county, in this Territory, on lands then claimed by the Cherokees, and, as I understand, with the consent of the Cherokees, and have made small farms which they are desirous to retain. One of the Delawares and a chief of the Shawnee tribe called on me the other day to interfere in their behalf, for they seem to look to the Governor as an officer of more power over Indian affairs than he really is. Some of them are desirous to purchase lands and become citizens, and subject to the laws. I told them, as a distinct tribe, they could not be permitted to remain longer than would afford them time to remove to the country assigned them by the Government; but that I presumed that an individual, who would separate himself from his tribe with a view to become a citizen, would be permitted to do so. I promised not to disturb them until they could hear from their great father, the President. There are a few others, I believe, settled in the country and cultivating farms. You will please direct the Indian agents who have the care of these Indians what to do with them. Permit me now to refer you to my letter of June, 1829, or so much of it as relates to the Quapaw tribe of Indians who are now residing below this on and near the Arkansas river. I have learnt, upon inquiry, that the number here is upwards of three hundred, and that not more than forty or fifty remain on Red river. The Quapaw Indians in this Territory have received no part of their annuity for several years. The money has, no doubt, been remitted by the Government, but never paid to the Indians. Among the papers of the late Governor Izard were found three checks sent him from your department for \$500 each, which, it is believed, were intended for the Quapaw tribe. I had supposed, when I wrote you last year, that there were two checks only; but I now understand, from the gentleman who has possession of the checks, that there are three, and no doubt seems to be entertained here that they were remitted by the Government for the payment of the Quapaw annuity. The executors of Governor Izard must surrender or transfer them. No other person has power over them. Would it not be well to call on the executors, or direct the United States' attorney here to file a bill against the executors; and the person in possession of the checks, and arrest them before used. Permit me to urge upon your consideration the justice, humanity, and policy of paying these harmless suffering Indians. Secretary Fulton would, I suppose, attend to the Quapaw Indians in this quarter for a small compensation. I will thank you to remind the President and Mr. Van Buren of my late communications respecting some movements and proceedings on our southern frontier under Mexican authority. As my private business will compel me to visit Kentucky the first of November, I most earnestly request the earliest information from you and the State Department on the subject communicated.

With high respect and consideration,

I have the honor to be,

Your obedient servant,

JOHN POPE.

Hon. JOHN H. EATON,

Secretary of War.

CANTONMENT GIBSON, *September 12, 1830.*

SIR: Under the impression that it is the duty of Indian agents to apprise you of every proceeding which may have a tendency to counteract the views of the Government, as exhibited by treaties, laws, or regulations, on the subject of Indian affairs, I beg leave to present to your notice the following communication.

I am informed, from a source entitled to confidence, that Col. August. P. Chouteau, a trader, and brother to the present agent for the Osages, has purchased up the reserves on the Neosho, granted by treaty 2d June, 1825, to half-breed Osage children and others, and that two of said reserves, containing a valuable saline, has just been sold by said Chouteau to Gen. S. Houston and a Mr. Drenen, a merchant at Nashville, who appears to be connected in trade with Gen. H. in the Cherokee country, and within three miles of this post; and I have good reason to believe they have purchased these reserves from Chouteau with a view and expectation of prevailing on the Government to purchase them out at an exorbitant price, by availing themselves of an undue influence over the Cherokees to induce them to demand of the Government the removal of persons unacceptable to them, under the third article of the treaty of May 6, 1828: the application would be, I presume, for removing the Osage grantees.

The case of Gen. S. Houston, which has been reported by Col. Arbuckle to the Secretary of War for his decision, was accompanied by a certificate of the adoption of Gen. H. into the nation with the right to exercise all the privileges of a native, and under which he claims the right to trade without license, deeming the laws regulating trade and intercourse inapplicable to his case. The 9th article of the treaty of Hopewell, and the 6th article of the treaty of Holston, gives to Congress the sole and exclusive right of regulating trade carried on by natives and others; but I have not seen any law restraining the exercise of the right of the natives, or of the adopted whites among them, to trade in any way. The whiskey trade carried on by Indians is a growing evil, and greatly to be deplored throughout every Indian tribe; and therefore deem it my duty, as it appears the existing laws on the subject do not embrace such cases, to solicit your attention thereto, and to suggest the necessity of instructing agents how they are to consider white persons who are permitted by the Indians to reside among them.

Permit me, also, to suggest what appears to be requisite to effect a speedy and satisfactory adjustment of the conflicting claims of the Cherokees and Creeks to the territory ceded to them by treaty, and to solicit your approbation of the course I am pursuing in furtherance of that object. The map of this country furnished the War Department by Col. Arbuckle being considered too imperfect for the requisite purpose, I have deemed it my duty to request Col. Arbuckle to employ, without delay, the most efficient means in his power to obtain a correct survey of the Canadian and Arkansas, from their junction to such point as he may deem necessary, to enable the Government to make such a partition of the country as the just claims of the parties under their respective treaties may require; and, with a view to ascertain what partition of the country would be most satisfactory and acceptable to the parties, I have requested the co-operation of Gen. Campbell; if accorded, will report progress to the department so soon as essential facts can be ascertained: and should it be proven, as is expected, that the country west of the old territorial line between Arkansas and the Canadian, together with that section of country now occupied by the Creeks in the forks of the Ver-

digris and Arkansas, will be found sufficiently large for the settlement and accommodation of the whole Creek nation, I have no doubt that the country north and west thereof, to the Osage line, would be accepted by the Cherokees for the deficit of their seven millions acres and perpetual outlet.

By the statement of Gen. Campbell, since his return to the Creek Agency, it appears to be the intention to cede to the Creeks the whole of the country in the fork of the Canadian and Arkansas, including the lands east of the old territorial line in said fork, (which is considered as having been heretofore ceded to the Cherokees,) together with the whole of the country in the fork of the Verdigris and Arkansas, to the Osage line. Hence, it is my duty to apprise you, without delay, of the probable effect which such partition of the country is likely to produce. About sixty or seventy families of Cherokees have settled on their lands in the fork of Canadian and Arkansas, east of the old territorial line, and the nation justly considers that portion of their country more valuable than any other. The uneasiness produced by this rumor has induced many of the most intelligent to request me to inform them if it is possible that such rumor can be true; adding, that the Creek treaty did not authorize them to make any selection east of the old territorial line; and therefore it ought not now to be contemplated by the Government to violate the vested right to that portion of their country which, they think, must be admitted to be solemnly guaranteed to them by their late treaty, and that no fair construction of the proviso to the ratification could infringe their legal claim to said land. I deemed it my duty to assure them that their rights would not be violated, and that the Government would certainly fulfil their treaty stipulations in good faith; that I considered their views of the subject perfectly correct, and that I had no doubt that the Government would sustain their claim.

Permit me to say, that I think it important to the interest of all parties that every doubt upon this subject should be promptly removed.

And it is deemed a duty, also, to apprise you of the state of feeling which this question, and the long continued delay of payment under treaty stipulations, has produced among the people. They appear to feel as if they had good reason to believe that the Government was disposed to pay but a very limited observance of a faithful compliance with treaty provisions after effecting the removal of the Indians, and feelingly point to the distressed condition of their emigrant families.

I am induced to believe, if that portion of their country should be disposed of to others, they will assert their rights and maintain possession to the last: they say their right to it shall never be surrendered. Please indulge me the privilege of expressing my solicitude for the early receipt of such information and instructions, together with the requisite means which may be deemed necessary to enable me to fulfil and accomplish the views of the Government, relative to the duties of my agency.

I have the honor to be,

Your most obedient humble servant,

GEORGE VASHON,

Ind. Agent C. W. M.

Gen. ANDREW JACKSON,

President of the United States.

P. S. I have been under the necessity of providing an office and quarters for myself ever since the commencement of my duties in the Indian Department.

SUPERINTENDENCY INDIAN AFFAIRS,

St. Louis, September 14, 1830.

SIR: I have the honor to enclose to you, herewith, several letters from the sub-agent for the Shawnees and Delawares, from chief Anderson and Harelip (Wea) asking assistance to aid them in their removal to their lands on the Kansas river. The Delawares, it appears, had been informed through Mr. McCoy, (who is now surveying the land assigned to them,) that the supplementary article to their treaty, made by Capt. Vashon, had been ratified, and the consequent appropriations, &c., made to carry it into effect. I have written to them that I have not yet been officially informed on the subject referred to, but, knowing the divisions which existed among them on that subject, that I would do all in my power to aid them whilst disposed to comply with their engagements with the Government. I would therefore most earnestly recommend that the means be afforded those Indians to move whilst they are in the disposition to do so. It is well understood that chief Anderson himself is willing and anxious to move, whilst his son, Shawanock, and other chiefs, are strongly opposed to the measure. The means of transportation, and for the purchases of provisions for them on the way, and after they are settled, should, agreeably to the treaty, be furnished. I would also beg leave to recommend that some assistance be afforded to the Piankeshaws, Weas, and Peorias, such as work-oxen, carts, and some stock.

I have the honor to be, sir,

With high respect,

Your most obedient servant,

WM. CLARK.

P. S. I also enclose a copy of an estimate furnished by Capt. Vashon, a part of which embraces the amount of probable expenses of removing and subsisting those Indians.

I am inclined to the belief that Col. Menard, the sub-agent for emigrating Indians, Kaskaskia, if charged with their removal and subsistence, could effect those objects in the most satisfactory manner to the Indians themselves, and at the least cost to the Government.

July 28, 1830.

OUR FRIEND AND BROTHER CLARK: We, the undersigned chiefs and braves of the Piankeshaws, Weas, and Peorias, in council, have requested our friend Campbell to write to you what we have to say.

Our father, you know when we were in council together at St. Louis, just before we moved to our land which you gave to us, that you said to us, if we would move to our lands that we should not be troubled by any bad Indians; that we should remain quiet and peaceable; that your arm was strong, and you would protect us from being interrupted by bad neighbors.

Our father, we took your advice, and moved on the lands you gave us, and are satisfied with them, and have remained quiet and peaceable with all our neighbors; but now, my father, we are in trouble, we cannot sleep sound, neither can we eat our meals in peace; our neighbors, the Kansas, infest us constantly; they beg every thing from us, and, what we do not give them, they steal from us; they now are commencing on our corn fields; we cannot

lay a hoe or an axe down, but what they steal it, and strip our horses of all our bells.

My father Clark, our friend Campbell came this spring, and broke ground enough for us to make plenty to live upon, and our crops are good. We ask you now to write to the agent for the Kansas Indians to stop his people away from us, and not trouble us any more. My father, you know that our friend Campbell wrote to you for us last year about the Osages—they do not trouble us much now: they would not let our women gather pecans last fall, they drove them away, and told them that the land was theirs: we hope that you will also write to the Osage agent to keep them away from amongst us. You know that we are three small nations, and when these people come amongst us, our women get alarmed, and get out of the way. The Kansas come, and throw down their tomahawks, and tell our young men that they are braves: this alarms our women.

My father, you also told us, when we were in council at St. Louis together, that when we got on our lands that you would help us with some stock. You know, our friend Clark, that we are poor, and now is the time to help us with a little stock, such as cattle and hogs: our friend Campbell has helped us to make our bread this year; our friend has advised us not to take our women and children to hunt with us this fall, but to leave them at home to take care of our crops and little stock. We have agreed to do so, but we wish to hear from you about the Kansas Indians: we are afraid to leave our families on that account.

Our father Clark, you know that we have, for a long time, drawn fifty dollars a year for our salt: our late agent, Capt. Vashon, has refused to pay us this year; he says you did not give him the money to pay it.

My father, we are very poor, and stand in need of that money now to buy salt for our stock: we hope you will send the money to our friend Campbell soon, so that we may get it before we go to our hunt.

My father, we also request of you to permit a few of us to pay you a short visit at St. Louis on particular business for our nation's welfare—some claims for lost property which we are desirous of laying before you: we laid them before our late agent, Capt. Vashon, but he did not give us any satisfaction about them. We do not wish to make our visit until this fall, or early next spring.

Our father will do his children the favor to write to them soon.

Your friends,

NOW-TAUK-A-SHING-GAW, his × mark.

NAW-HA-CORN-MO, his + mark.

GO-TO-COP-Y, his + mark.

WAP-SHOC-OU-Y, his × mark.

Signed in presence of

J. B. WELLS,

A. SHANE.

JAMES FORK OF WHITE RIVER, *August 15, 1830.*

SIR: You have always advised me to endeavor to get my nation together. I have informed you that I did, and you have assisted me in sending my letters on to my relations that are in the east. I see by this express that the Government has ratified our treaty that we made with Mr. Vashon. I am satisfied.

Brother: If our relations arrive there or at Mr. Menard's, you will direct them immediately to Kaw river, and they will see us there sitting.

I have nothing particular to inform you at present, only I am well, and hope you are in the same situation.

Your most obedient servant,

WM. ANDERSON, his x mark,
The Sovereign Chief of the Delaware Tribe.

To Gen. WILLIAM CLARK.

JAMES CONNER's *hand-writing*, *United States' Interpreter.*

JAMES FORK OF WHITE RIVER, *August 15, 1830.*

SIR: I understand, by this express, that the Government has ratified our treaty that we made with Mr. Vashon. I am satisfied. I am in hopes that I may get away from here this fall. You ought to have mentioned in your letter what was contained in the supplementary article: then my nation would have been better satisfied. My agent that I have sent you will answer to satisfy him. I suppose you have got the copy of the supplementary article of our treaty. Then, when he is satisfied, he will be ready to go with the surveyors—not without. Whilst they are surveying, you will be purchasing horses for us; you will employ men to assist them in driving their horses here: we wish to move in two months from this date. Nothing more at present; but,

Still remain your friend,

WM. ANDERSON, his x mark

Major JOHN CAMPBELL.

MONTENZUMA, PARK COUNTY, INDIANA,

Rich Cane Creek, August 22, 1830.

Hare-lip, chief of the Weas, came to me, requested me to write to their father, Clark, concerning their business. He stated he had been up to Massissinaway, and counselled with his people, and are all willing to go, and very anxious. They wish you to retain their annuity at St. Louis until next spring. They wish to winter between the little Wabash and high up; they want you to furnish them with powder and lead, and flints and provisions. They wanted me to furnish them with those articles. I told them I could not without your permission. They wish you to tell the white people to treat them with civility, and they wish to have no difficulty in crossing the bridges, without the request to pay for crossing. They wish to cross the Wabash about 15th of October next: they wish to have an answer as soon as possible.

HARE-LIP, his x mark.

Gen. CLARK.

By NEIL DAGENET.

SHAWNEE AGENCY, *August 25, 1830.*

SIR: I received a letter, dated July 22d, from the Rev. Isaac McCoy, who informed me that he had been appointed by the President of the United States to run off the boundaries of the Delaware lands, north of the Kansas

river, and requesting of me to notify the Delawares that they must appoint an agent to accompany him on the survey. Agreeably to his request, I sent an express, and gave them the necessary information; and, agreeably to my request, they sent Captain John Quick, one of their principal councilmen, to superintend the running of the boundary lines. I enclose you the letter of Anderson, the chief of the Delawares, in answer to mine written to him on the subject of their removal. You will discover from his letter that he is now anxious to remove this fall, and he demands the forty horses to be purchased as soon as possible, and also the number of wagons named in the treaty. Twenty-five head of the horses can be purchased of the Shawnees, and the balance can be obtained in this neighborhood at a fair price. Four wagons and teams can be furnished at this place, and, if necessary, the whole number of wagons can be furnished here, and I presume, at as reasonable a price as they can be got any where. If the wagons are procured here, they can take corn and provisions from this quarter, and deposite it at the mission station, on the Osage river, where they can get it on their return, which will save considerable expense.

I take the liberty of advising that they should be removed before the prairies are fired, on account of their stock. I would further state to you that it would be advisable to gratify them in their wishes to move this fall, as there are still a great many opposed to moving.

You have also enclosed two documents concerning Natcoman, a Delaware Indian, which you will dispose of as you think proper.

John Quick, the agent sent by the Delawares, has been instructed to request that provisions should be ready on their lands when they arrive, and that there should be a house put up to deposite the provisions in. It is also their wish that there should be some assistance afforded them in putting up some houses for the chiefs, as the weather will be cold by the time they get removed. They state that assistance was promised them by Captain Vashon. This I know nothing about.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN CAMPBELL,

United States' sub Indian Agent.

Gen. WILLIAM CLARK.

ST. LOUIS, *September 13, 1830.*

SIR: I have been directed by Gotookopwoa, a Wea chief, and by Noutankqueshinggau, a Piankeshaw chief, on behalf of their respective tribes, to request you will afford them some assistance in their efforts at settling themselves permanently.

They are in much need of various agricultural implements, and have but little stock of any kind. They are particularly in want of cattle, hogs, and chickens, a yoke of oxen, ox or horse carts, collars, harness, &c., cross-cut and hand-saws, besides sundry other articles, which will readily present themselves to you. They are also desirous of your sending them a blacksmith, and would wish to have a trader established near them.

They say that they moved to their present location in compliance with the wishes of the Government; that, before they moved, they had been told

the Government would aid them in settling themselves; that they now stand in much need of the promised assistance, having already suffered many privations in their new homes, and confidently trust you will take pity on them, and fulfil the promises held out to them.

They state that they have received only eight hundred dollars annuity this year, being fifty dollars less than what they claim under treaty. Wapeshockouma, a Paoli chief, also wishes you to aid them in their agriculture. He asks for stock, farming utensils, &c., and is particularly desirous of being furnished with a steer, one of his having died. He also wishes you to induce the Kaskaskia tribe of Indians to settle among his people. He states he is justly entitled to one half of the Kaskaskia annuities.

All are in much want of oxen, &c.; they state their women have had hitherto to carry rails on their shoulders, and are almost worn out: and all express a hope that you will take pity on their destitute condition.

Very respectfully, sir,

Your obedient servant,

BAPTISTE PAOLI, his x mark.

United States' Interpreter.

General Wm. CLARK,

Superintendent Indian Affairs.

MEDINA, September 15, 1830.

SIR: On my return home, after an absence of a few days, I found a letter from you, together with a copy of Cornplanter's letter, and a copy of an answer made him by the acting Secretary of War. In answer, I beg leave to state the reason why the Seneca stock interest was not paid to the Senecas, was, because they positively refused to take it at the last fall council. Again, in June, at a grand council, I offered all in my hands due them on their stock, when they again refused to take it; but, after seeing the Secretary of War at Buffalo, they told him that in fall council they would take the whole due them. This council will be in October. Cornplanter is mistaken in regard to the amount I offered: it was \$3,385⁶⁰/₁₀₀, and not \$3,000. Cornplanter is not the head of the Senecas, but Tommy Johnson, who was elected on the 4th of this month in the place of Red Jacket. The subject was fully discussed at the last grand council in June, when Cornplanter's voice was not much attended to, he being considered in his dotage. A deputation was appointed to wait on the Secretary of War when at Buffalo, and he satisfied them fully in confirmation of my previous statements.

Your obedient servant,

JUSTUS INGERSOLL.

SAML. S. HAMILTON, Esq.,

Office Indian Affairs, Washington.

COLUMBUS, O., September 20, 1830.

SIR: In my communication to the department on the 14th ulto., I gave it as my opinion that the Delawares would remove this fall. I founded my

opinion on what they told me, and their apparent anxiety to remove. At the time I wrote, I learned they were assembling at Wapaughkonnetta for that purpose; but, when I met with them, I found they had no intention of doing so this season, and I am now convinced that it is useless to think to remove them all at the same time, without holding out to them some appearance of compulsion; but such a course at this time would be imprudent, even should it be the only one that would save this degraded and drunken band from ruin. Every step taken in relation to the Indians is closely watched by certain men, and the worst of motives attributed thereto; and every exertion is used by them to raise and to keep up an excitement among the people in favor of the Indians, and, strange to relate, the very men who, but a few years ago, said that the only method to preserve the natives of the country was to put them beyond the reach of white population, now say it is cruel even to insist on them to leave their present location.

My reasons for believing this band cannot be removed in a body are various. First, as I above remarked, certain characters interfere, and tell them that the country west is a barren waste; that they can neither raise corn nor find any game in it, and, if they emigrated to that country, they would all be murdered by wild Indians, as they term them; but all this might be surmounted was it not for the interest of the principal chief to remain in this country. He is a man fond of power; he has not only great influence in his own tribe, but also among the Shawnees, Senecas, and Wyandots, and has two wives of the latter tribe, both with large families, who draw a yearly annuity of about one hundred dollars each. This is an inducement for him to remain here until the Wyandots dispose of their possessions. He is a man hard to be understood, and so manages his people as to make them believe that he will at no distant day remove with them. When I pointed out to him, in the presence of his tribe, the impropriety of his conduct, and the injury and ruin he was bringing on his people by keeping them from their friends, he could reconcile those who wished to remove in no other way, only by promising them that he would immediately visit the west, and, if he was pleased with it, he would remove with them next spring.

In this band, denominated Delawares, there are but three or four heads of families in it full-blooded Delawares; the balance are mixed with the other tribes of this State, and draw a yearly annuity, and the same amount that those do with whom they are connected. This is also an inducement for all such to remain here. The full-blooded Delawares draw no annuity, and are anxious to remove: and they requested me to assist them to do so, but I did not consider myself authorized to move a part of them, as it would cost almost as much as it would do to remove the whole. And as the Senecas will emigrate as soon as the Government provides for their removal, those Delawares can go with them should their own tribe fail to remove next spring.

At my late interview with the Delawares, I settled with them, and paid the balance that was due them for the land they sold to the United States in 1829, and my proceedings in this case I have reported to the Second Auditor; all which, I trust, will be approved of by the department, as, in every transaction relating to the same, I have had an eye to economy. And had I not been cautious, I would have laid out several hundred dollars more of the appropriation, for articles to enable the Delawares to remove, as they were constantly at me to do so, at the same time promising to leave the

country when they received them, but from their movements I had reason to believe all they wanted was to get the property into their hands, and then to go or stay as they might think proper. Still, I was more than once near purchasing ten or more horses and other articles for them. Their plans were so well laid that any one would have believed they were sincere, and they actually met several times, as they said, to remove, but all they wanted was to get provisions and property. At length I came to the determination, after finding out their deception, and that of others, not to purchase a single article for them until they were some distance on their journey. Thus have I been pestered by these most abandoned people.

Out of the six thousand dollars appropriated to purchase the Delaware reservation and for the removal of said Indians, I have expended three thousand one hundred and forty-three dollars and forty-two and a half cents: thus, for the purchase of said reservation, three thousand dollars; for provisions at the time of purchase for the Indians, and at other times when they met to make arrangements for their removal, as it was supposed, and some other small incidental expenses, the sum of ninety-one dollars and ninety-two and half cents; for expenses paid William Walker for going to Canada, for Delawares, twenty-seven dollars; for hire of two men seven days, for the purpose of assisting agent to prepare for removal of Delawares, when it was supposed they actually would remove, twenty-four dollars and fifty cents. Notwithstanding I have met with the Delawares monthly, and I may say almost weekly, for upwards of a year, I have only expended for contingencies one hundred and forty-three dollars and forty-two and half cents. I have been at considerable expense in the transaction of this business, but will leave it to the department to fix the amount, if any. The balance of said appropriation in my hands unexpended, is two thousand eight hundred and fifty-six dollars fifty-seven and half cents, which, as it cannot this season be applied to the object for which it is intended, is subject to any order which may be given in relation to it.

Although I am of the opinion the time has not arrived that any tribe of Indians in this State can be removed in mass, yet there are many in the several tribes that wish to emigrate, and the time is not distant when there will not be an Indian in Ohio. A few weeks since, about twenty Shawnees left it, and many more talk of following them. I gave those who emigrated a small sum of money, and provisions, to aid them on their journey, and if the money could be refunded, it would thankfully be received.

The Indians of Seneca, in this State, are an exception to the rest; they are almost to a single individual anxious to leave the country, and they will do no more good until they do remove. Some time last fall, or the beginning of winter, I forwarded their memorial to the President, in which, if I am not mistaken, they requested an exchange of land, or to sell out to the Government. They have remained at home all the season, and neither raised corn or hunted game, on account of expecting to remove before winter. They are in a bad situation, and becoming very impatient, and intimate that I neglected forwarding their memorial. I would therefore, as soon as convenient, be pleased to be informed whether any arrangements will be entered into with these Indians this season, that I may be able to inform them, as early as possible, whether or not they have got to remain here another year, as it is all important they should know before the fall hunting comes on.

I had considerable trouble in obtaining leave of the chiefs to pay the an-

nunity agreeably to the late regulations, particularly with the Wyandot chiefs, and it was three days before I got their consent; nor would I then, had they not understood I was about to lay the matter before the nation, fearing, if I done so, they would lose their influence among their people. They agreed to the arrangement, provided I gave them leave to take their seats beside me during the payment. To this I had no objection: but then another difficulty arose on account of a part of their annuity being withheld (one hundred and seventy-five dollars). They again refused to receive one cent until the balance was produced. I had no alternative but to promise that it should be paid in the course of the year, or to put the Government to the expense of transporting the annuity a second time. Indeed, all things considered, I would rather have paid the balance out of my own funds than have failed to make the payment, and if it is not convenient to forward it within the year, I will make payment agreeably to my promise.

I am informed by the Second Auditor, that the late agent claims pay for the months of May, June, and July, 1829, as well as myself. In what way Mr. Johnston expects pay for those months I know not, and it does seem to me he has no claim on the Government as agent after my appointment. If he retained funds after being directed to pay the same over to me, and afterwards made some small payments (as I understood he did), and that at home, he certainly did so in his own wrong. During those months I was much engaged in regulating the agency, and during the same I paid the Indians their annuities. I not only gave my whole time and attention in regulating the affairs of the agency, but I expended a considerable amount in travelling.

* * * * *

I ask pardon for giving so lengthy a detail of the Delawares. I have done so in order to make you acquainted with their true situation, and my own anxiety to get them out of the country. Notwithstanding I have so far failed, I am in hopes I shall be able to remove them next spring, or with the Senecas.

I will thank you to give me the proper address of the officer at the head of Indian affairs.

I am, very respectfully, &c.,

JOHN McELVAIN,
Indian Agent.

Col. S. S. HAMILTON,
Indian Department.

SUPERINTENDENCY INDIAN AFFAIRS,
St. Louis, September 20, 1830.

SIR: I have the honor to acknowledge the receipt of a letter from the War Department of the 18th ulto., (not signed), accompanied by a copy of the Second Comptroller's letter to you of the 7th of August, stating the manner in which remittances will be made after the 1st of January next, and the call for estimates, &c., which shall receive due attention: also, your letter of 30th August, enclosing copy of Colonel Morgan's, on the subject of the attack by the Sioux and Chippewas; and requesting me to ascertain and report whether *Cadot*, who was killed in that attack, was a citizen of the United States, and entitled to the privileges, &c., as such.

Since the receipt of your letter, I have made some inquiry, without receiving any positive information on the subject. I have, however, written to the agent at St. Peters, from whom I expect shortly to receive a detail of all the circumstances in relation to this matter, which, when received, will be promptly communicated to the department.

Your instructions, directing the co-operation of the Indian agents with the military, for the prevention of Indian wars and murders, have been communicated to them, with an injunction to be vigilant and prompt in effecting the objects of the Government.

With great respect, &c.,

WM. CLARK.

P. G. RANDOLPH,

Acting Secretary of War.

Report of the commissioners appointed to negotiate with the Menomonic and New York Indians in June, 1830, with the documents and journal which accompanied it.

The undersigned commissioners, appointed by the President of the United States "to locate a district of country at Green Bay, and establish the boundaries thereof, for the accommodation and settlement of the New York Indians," in execution of the trust confided to them, assembled at Detroit on the 19th day of July last. Here, as they were advised in the letters announcing their appointment, they received through Gov. Cass their instructions from the Department of War. They remained at Detroit, engaged in collecting information, and making the necessary preparations, as will appear by their journal and a further report of the fiscal concerns of the mission, till the 4th day of August, when they embarked for Green Bay: they arrived at this place on the 10th day of the same month. The commissioners were specially enjoined by their instructions to endeavor to reconcile the various tribes concerned, and preserve harmony among them, and so to arrange matters as to maintain good and kind feelings amongst all the parties; and being also advised, that, before the President could give his sanction to any arrangements made by them, he must be fully satisfied that these important considerations are fully obtained, they were advised by high authority at Detroit, and individually felt the fitness of the advice, that the Winnebago and Menomonic chiefs would not yield their assent to any measures the commissioners might adopt, without the approbation of their respective nations, expressed in council. Accordingly, on their first arrival at Green Bay, the commissioners took measures for summoning a council. Runners were despatched, with the wampum and tobacco, to the countries of the Winnebagoes and Menomonies, and messages to the New York Indians, inviting them to assemble at that place on the 24th inst. The intermediate time was employed in exploring and surveying the country. As the question referred to the President of the United States for his final decision, by the treaty of Butte de Morts of the 11th of August, 1827, is acknowledged and declared to be one of much difficulty, it became indispensably necessary for the commissioners to make themselves fully acquainted with the merits of the case; they have therefore given the subject a pretty thorough investigation. The following is the result, but given as succinctly as possible:

Previous to 1820, and in that year especially, the Government of the United States took active and efficient measures to facilitate the purchase of a tract of land in the Northwestern Territory, for the accommodation and future settlement of the New York Indians. This was done for the avowed purpose of carrying into effect, beneficially, a compromise with the Stockbridge and Munsee tribes for lands on the White river, purchased of the Delawares and partly owned by the former, and to accommodate them, and their red brethren of N. York, with a permanent home, remote from the vicinity of any white settlement and the temptation to the use of ardent spirits—that “bane of Indian improvement.” It was also a desirable object with the Government to place these friendly Indians, who had made considerable advances in civilization and improvement, on a distant out-post, where they might serve to check or harmonize the disaffected or hostile savages of that region. Their attachment to the American cause, and the assistance they afforded in the late war, was also avowed as an additional reason for the extension to them of the fostering care of the Government. Under such auspices, and with the assistance of a United States’ agent specially appointed for that purpose, they concluded a treaty with the Winnebago and Menomonie nations at Green Bay, on the 10th of August, 1821, by which the latter ceded, released, and quit claimed to the former, all their right, interest, and claim to the land comprehended within, and described by the following boundaries, viz.: “beginning at the foot of the rapids on the Fox river, usually called the grand Kakalin, thence up said river to the rapids at the Winnebago lake, and from the river extending back in this width, on each side to the northwest and to the southeast, equi-distant with the land claimed by the said Menomonie and Winnebago nations of Indians.” The right of hunting and fishing was reserved to the Winnebagoes and Menomonies, but, in the exercise of that right, they were to commit no waste or depredation on such lands as might be under immediate improvement by the New York Indians. This cession was in consideration of two thousand dollars, five hundred of which was paid at the time, the receipt of which is acknowledged in the treaty; fifteen hundred dollars were to have been paid within one year: this sum was satisfactorily paid, and a receipt given, in September, 1822. The acquisition by this treaty did not give perfect satisfaction to every portion of the New York Indians: the smallness of the tract, and its distance from Green Bay, appear to have been among the most prominent causes of uneasiness. They were therefore prompted to solicit the Government for its aid in procuring an extension of the cession. To this solicitation the Government promptly gave its assent, and efficiently aided them in the accomplishment of their object; directed rations to be issued to their deputation; recommended them to the attention and kindness of all officers of the Government, and appointed an agent to superintend the negotiation on the part of the United States. Thus encouraged and sustained, they concluded a treaty with the Menomonie nation, under the superintendence of a United States’ agent specially appointed for that purpose, at Green Bay, the 23d of September, 1822. By this treaty, the Menomonies ceded, released, and quit claimed to the New York Indians, all their right, title, interest, and claim to a large tract of country, containing at least five millions of acres, rather undefined, but limited southwesterly by lands ceded to them the year before by the Winnebagoes and Menomonies, and by the Mannawahkiah (supposed to be the Minnewawhie) river; easterly and northeasterly by Lake Michigan and the Bay des Enock; northerly and northwesterly by the height of land between the waters of Lake Superior, and those running into Green Bay and Lake Michigan. This cession was made in consideration of three

thousand dollars—one thousand of which was paid at the time, as acknowledged by the treaty. Nine hundred and fifty dollars were paid, and receipted, on the 18th of September, 1824. The remaining one thousand and fifty dollars were paid, and receipted, on the 13th of November, 1824. By the second article of this treaty, the New York Indians promised and agreed to, and with the Menomonies, that they should have the free permission and privilege of occupying and residing upon the lands therein ceded, in common with them, provided that the Menomonie nation should not in any manner infringe upon any settlements or improvements which might be made by the New York Indians. This mode of drafting the articles of cession might have been intended as a mean to “keep off the long finger nails of the white people.” Indeed, there was some evidence to show that this was the intention of both parties. But as the several parts of the same instrument, referring to the same subject matter, and perfected at the same time, constitute but one deed, the cession of the whole in one clause, and the retrocession of a moiety by another, and by the same deed, cannot amount to any thing more than the grant of one moiety, and the reservation of the other. For it would be absurd to say that a party is divested of the whole, and re-invested with the moiety, *eo instanti*, and by the same deed. The tenure by which the estate is held, as well as the nature of the estate, cannot be changed by this mode of conveyance; for, as title by occupancy, is the title by which a community of Indians hold their lands, a covenant real, for the full and free occupation in perpetuity, and that attaching to an actual possession, is equivalent to an estate assumed to be granted by the instrument. It follows, then, that the New York Indians acquired a tenancy in common with the Menomonies—the same estate which their chiefs have insisted that they had granted, and of which they have consented that the President might make partition.

The council assembled on the 24th, and continued from day to day, as may appear by our journal, to be transmitted as before stated. The Menomonies and Winnebagoes asked the privilege of being assisted by counsel: the commissioners informed them that they might have the assistance of any counsel they might think proper to select. The Menomonies, thereupon, selected Judge Doty as their counsel: the Winnebagoes concurred in the appointment of Judge Doty as their counsel; but, in the afternoon, their chiefs informed the commissioners that they had selected counsel for themselves, and named Mr. Baird, a counsellor at law, of Green Bay. The Winnebagoes and Menomonies having expressed a desire to know the extent of the claim of the New York Indians, and with how much they would be content, they gave in their proposition, marked A. The other party being requested to make their offer, gave in their proposition, marked B. The New York Indians afterwards made their further proposition, marked C. The next day the commissioners submitted in full council their proposition, as finally agreed upon by them, and explained to all the parties, on the map, the various locations and quantity of land in each: the locations and boundaries then explained are the same as now reported by us. From this proposition all parties dissented. Judge Doty's argument was given in writing; and that, together with the speeches of the Indian chiefs on the subject, is entered at length on the journal. They all relate to the validity and extent of the cessions made by the treaties of 1821 and 1822. As the validity of these cessions has been questioned by counsel so eminent and influential as those appointed by the Winnebago and Menomonie chiefs, the commissioners feel it to be their duty briefly to examine the most prominent objections.

To the first cession it is objected now, and has been heretofore, especially by Four-legs, that they never gave to the New York Indians liberty to settle above the little chute: to this objection it may be answered, that the Winnebagoes never claimed to own below the little chute, nor had they any lodges on the right bank of Fox river, or the eastern shore of the lake, and included within the lines of the cession. Four-legs has, since that time, seated himself on the island at the outlet of the lake. It is fairly inferable, from the report of Mr. Trowbridge to Governor Cass, in 1821, that the Winnebagoes did not even claim as far down the river as the little chute; for, when the Menomonies had refused to sell to the New York Indians, the former "expressed a great deal of sorrow at their answer, and proposed to give their brethren of the east the land on the Fox river, from the grand chute to the Winnebago lake, a distance of four and a half miles." It is not probable they would have offered to grant so far down the river, and still retain a narrow slip below. The report continues: "Perceiving that the Menomonies were astonished at this reply, it was thought advisable to adjourn the council, with a view to give them time for reflection. On the following day they met the deputies again, and having stated that their minds were changed, proposed to join the Winnebagoes in a cession of the lands from the foot of the Grand Kakalin to the rapids of the Winnebago lake." The treaty made in pursuance of this proposition was signed by Four-legs and Black-wolf. The same chiefs the next year signed the receipt for the last payment, and they were the only Winnebago chiefs who spoke in council at our late session. Four-legs could not have been deceived or mistaken in the extent or nature of the session. He is a cunning artful man; he then resided near the outlet of the lake, on the left bank, and just above the rapids. From these facts, it appears to the commissioners that the Winnebagoes had no color of a claim to the lands in question, except the right of hunting and fishing on what may be unimproved, and which were formerly owned by them.

The validity of the cession of the Menomonies by the treaty of 1822, is questioned on two grounds:

1. That all their chiefs did not join in the treaty, and some of those who did were not authorized.
2. That they did not intend to sell their lands, but only to permit their eastern brethren to come and live among them.

The first objection is answered by a reference to the recognition of the treaty by the whole nation. In the first place, they received the several payments, and divided them among the nation according to custom. After their chiefs had sent a remonstrance against the treaty to Governor Cass, to be forwarded to the Government, they received and distributed the last payment in November, 1824, and thereupon applied to Major Brevoort, the United States' agent, to send on a countermand.

The authority in the treaty of 1827, given to the President to establish boundaries between them and the New York Indians, admits that *something* was granted to the latter, and other than that granted by the treaty of 1821, for there the boundaries were already established. It is not pretended but the submission to the President's final decision was well understood: this very circumstance, then, repels the idea of the total invalidity of the instrument.

The second objection is already answered: the instrument does not grant any more than the Menomonie chiefs alleged they intended to give; that is,

a right in common with them. The commissioners have so understood it, and have acted accordingly. Indian property is generally held and distributed according to the number of polls, including all of every age and sex. By this rule the New York Indians, being more numerous than the Menomones, would be entitled to the greatest share. But in this case, the number of polls and the number of acres can have but little influence in making a just partition. The one party are to occupy as husbandmen, the other as hunters, probably for many years yet to come. A comparatively small number of acres will be as valuable to the one as a much larger quantity to the other. The commissioners therefore propose to set apart to the New York Indians only about three hundred thousand acres, while they leave to the Menomones an immense tract of five or six millions. The tracts so set apart are described on a paper headed, "Boundaries of lands at Green Bay, located for the accommodation and settlement of the New York Indians, by commissioners appointed by the President of the United States," and on two maps of that country, all of which are herewith transmitted. It will be perceived by the map, that a considerable portion of the lands set apart for the New York Indians is included within the purchase of the Menomones, by the United States, in 1827. They are thought to be "just claims," within the intent of the proviso of the third article of the treaty, by which the purchase was made. They had, before that time, made settlements at Duck creek, Grand Kakalin, &c. Upon that purchase by the United States, they became entitled to a common interest with them.

The President is therefore authorized, by that article, to change the boundaries of that purchase, so as to include land not exceeding in quantity that set apart therein to the New York Indians. The commissioners recommend an extension of the boundary on the right bank of the river to the Winnebago lake. The Winnebagoes have consented to the measure. If not, they have parted with their interest, and it may be made a consideration that the New York Indians release their claim to the United States. The Stockbridge tribe, it is understood, will release to the United States their claim on the east side of the river, on being paid for their improvements. In that event, the right bank of the river will be free from Indian claims, except the Brothertown tribe. These are farther advanced in civilization, and the arts of domestic life, than perhaps most of the borderers on a distant frontier.

All which is respectfully submitted.

ERASTUS ROOT,
JAMES McCALL.

September 20, 1830.

DETROIT, *Sept. 21, 1830.*

SIR: After receiving our several appointments, we repaired to this place, where we were directed to call on Governor Cass for our instructions, through whom they were to be received, and from whom we received much important information. Knowing, from his long experience in Indian affairs, his counsel was all important to us who were entire strangers to such business, and as we were specially charged to harmonize the different interest and feelings of the tribes of Indians concerned, we were advised by Gov. Cass, that the only way to affect that was by inviting them to assemble in council, and to invite the chiefs who were to invite the whole tribe; and, if so, they must be supplied with provisions, tobacco, &c., during their attendance; and their numbers would, in all probability, be nearly

two thousand: and Green Bay, six hundred miles in the interior, an Indian country, the probability was, that, unless it was procured at this place and sent on, nothing could be effected. The appropriation of five thousand dollars was barely sufficient to pay the commissioners and secretary, and defray incidental expenses; and being advised by Governor Cass that we should need one hundred barrels of pork, one hundred and fifty of flour, and three hundred bushels of corn, as you will perceive by his letter marked (A,) we addressed a note to him, requesting him to inform us whether there were any funds in his hands applicable to defray such expenses, to which we received his answer marked (A,) answering us, that there was nothing in his hands that could be applied to that use. All the articles wanted had become scarce, and much higher than usual; indeed, the amount could not be had in this place: we finally concluded to purchase on our draft, payable when an appropriation shall have been made by Congress, as you will see by Mr. Kercheval's bill marked (B.) We were also advised to procure an interpreter, and take him with us, as there was none at Green Bay that could be relied upon. Accordingly, we agreed with Mr. Henry Conner, of this place: he can speak French and Chippewa as well as English, and interpret from one to another; and as the Chippewa tongue is generally spoken by the Menomonies and Winnebagoes, we hoped not to need any further aid, except for the Oneidas, and we had to pay him five dollars per day, as you will see by his bill marked No. 5. He was also of great use to us in distributing the provisions, &c. to the Indians. It was also thought necessary to furnish some stores for our exploring expedition and surveying. Accordingly, we ordered the Secretary to procure sundry articles, as you will see per Wendall's bill, marked No. 12. We had already ordered the purchase of a portable desk for the mission, and necessary stationery, as you will see per bill marked No. 11. Our individual charges of travel and attendance, together with the secretary's, will be seen by our several accounts marked Nos. 1, 2, 3, 4. Arrangements now being made, we embarked on the 4th of August for Green Bay, being the first opportunity after we had all arrived, although later than the time designated by you in your several communications to us respectively. We arrived at the place of our destination on the 10th, and commenced business by sending runners to the tribes interested, with the usual ceremonials, tobacco and wampum, inviting them to meet in council on the 24th at Green Bay, near Fort Howard. In the intermediate time we intended to explore the country, and survey the courses of the river. To effect this, it was necessary to employ a boat and hands to convey provisions, &c. to the Winnebago lake, in order to find the southwest line of the first purchase. Accordingly, we agreed with J. P. Arndt to furnish us, as you will see by his bill marked (C.) We employed Mr. A. G. Ellis to do the surveying, &c.; charges see bill marked 13; sundry other expenses accrued, as per receipts marked 9, 10, 14, 15. As the custom has been to entertain the chiefs of the tribes during their attendance at the council, we agreed with Mr. J. P. Arndt to furnish the table, prepare a council house, and to furnish boats and hands to ferry across Fox river to the place most suitable for the council—charges, as per his bill marked as above; the balance of which we were under the necessity of drawing on your department, payable when an appropriation should be made by Congress for that purpose. We were under the necessity of furnishing the chiefs of the Menomonies and Winnebagoes with shirts and a few blankets,

tobacco, pipes, &c., as per Mr. T. S. Wendall's bill, marked (12;) the balance of which we have drawn on your department, when an appropriation shall have been made by Congress for that purpose. After proceeding in council two days, we were informed by the Menomonies and Winnebagoes that they could not talk with us without they had each of them an interpreter. We therefore were obliged to employ as such Mr. Augustine Grignon and Margareta Frome; we had already employed Peter Augustine to interpret for the Oneidas; all of whom charged five dollars per day, as you will see per bills, marked (Nos. 6, 7, and 8.) It appears by the returns of Mr. H. Conner, acting as issuing commissary, that he had distributed to the Indians nineteen thousand three hundred and ninety-nine rations, which seems to be more than the sixty-one barrels of pork used; but when we consider that some days only half a pound of pork was issued to a ration, where they consisted of women and children, and some beef purchased of Mr. Arndt, at the strong solicitation of the chiefs, it will account for its seeming inconsistency; the abstract marked (E) will show the days and number issued to each tribe. After the breaking up of the council, we had left on hand twenty-four barrels of pork, seventy-one barrels of flour, and thirty-two bushels of corn, which could not be disposed of for what it cost, or for what it was really worth. We therefore turned it over to Mr. Stambaugh, agent at that place, as per his receipt delivered to Governor Cass; a copy of which is herewith transmitted, marked (F.) But for want of funds to pay Mr. Ellis's bill, we drew an order on Mr. Stambaugh for three barrels pork and two of flour, which was received by Ellis at the original cost. It would seem, by our instructions, that Green Bay was the only seat of our operations and business; but, sir, you will perceive by our journal, that information all important was only to be obtained at this place. Indeed, a map of Michigan, to which we were referred for information, could not be procured at this place until we had been here ten days; and the necessary preparations before mentioned, entitle us to our per diem allowance for thirteen days, and during our stay at Green Bay every day, even until after we had embarked to return. We employed thirty-five days at that place, and it will readily appear that we could not conclude our report until we arrived at this place, which has detained us days.

All of which is respectfully submitted.

Detroit, 21st Sept., 1830.

ERASTUS ROOT,
JAMES McCALL.

MESSRS: We, the undersigned chiefs and principal men of the Stockbridge tribe, residing in the town of Statesburg, near Green Bay, Michigan Territory, hearing that you intend to honor us with a visit; if this is true, we do hereby open the door of our mission-house for your reception, and shall be very happy to have an opportunity to shake hands with you, particularly as we are informed that you have come to attend the concerns of the New York Indians in this country, of whom we are a party. Compliments of your

Friends and red brethren,

In behalf of the rest,

JNO. METOXEN,
AUSTIN QUINNEY,
ANDREW MILLER,
J. W. QUINNEY.

To the Hon. General Root, &c., &c.,

U. S. Commissioners.

GREEN BAY, *August 24, 1830.*

GENTLEMEN: We have received your answer to our request, and have nothing to reply, except, that from an expression of yours on the subject of "holding secret conferences," we have apprehended you may be mistaken. Our intention, we are perfectly willing that all the world should know *at the time, provided* the improper influence from a particular quarter might be excluded, so as to have the Indians free to act for themselves.

Yours, gentlemen, with high

Considerations of esteem and respect,

DANIEL BREAD,

Per order of the Chiefs of the New York Indians.

To the Hon. JOHN T. MASON, }
 ERASTUS ROOT, } *Commissioners.*
 JAMES McCALL, }

GREEN BAY, *August 25, 1830.*

GENTLEMEN: The chiefs of the New York Indians, having been informed that an interpreter has been recommended to you from Green Bay, to communicate between the commissioners and the Menomonies, instead of Mr. Conner, beg leave to say that since the objections to Mr. Conner are not of a moral character, but only because he does not speak the Menomonic, and since the chiefs of the Menomonic nation can speak Chippewa, which Mr. Conner understands and speaks also, and since Mr. Conner is your own interpreter, coming from abroad and disinterested, and since Mr. Conner has heretofore been accepted and officiated in the same capacity for the same parties in public negotiations, without objection, and since, so far as we know, Mr. Conner possesses the mutual confidence of all concerned, for his fidelity, therefore, the chiefs of the New York Indians beg leave to request that Mr. Conner may remain the standing interpreter for the current negotiations.

The chiefs of the New York Indians desire to express their obligations to the commissioners, for the offer of an interpreter to communicate between themselves and the Menomonies, this afternoon, and say that for the same reasons which have originated this letter, they have no occasion to make use of him.

The chiefs of the New York Indians do not consider that the obstacle in the way of conference with the Menomonies this morning, was for want of an interpreter, but the interference of the citizens of Green Bay. And the chiefs of the New York Indians beg leave to call the attention of the commissioners to their kind assurance, in their letter of the 23d instant, "that should they discover any *exceptionable* course, by any one on *that subject*, it will be their duty to counteract it."

By the order of the chiefs of the New York Indians:

DANIEL BREAD,
 J. W. QUINNEY.

To the Honorable *Commissioners.*

GREEN BAY, *September 10, 1830.*

GENTLEMEN: I have to-day had the honor to receive a copy of the "reply to the communication," which was presented by me for and on behalf of the Menomonies and Winnebagoes, at the termination of the sessions of the council. As my constituents have returned to the woods, I must decline any attempt to renew the discussion of their rights during their absence.

But as the question is now presented, the rights and honor of Government appear to be as deeply involved as those of the nations which I have lately represented. The "moral and confidential and sacred considerations" alleged to have been given by the New York Indians, for the cession of 1822, are now partially disclosed. They appear to have been, to prevent the Government from cheating or otherwise depriving the Menomonies of their possessions, by taking a cession of the whole country, and by constituting the New York Indians their guardians and trustees; to make this an Indian country, subject to their own exclusive and independent control; to remove the white settlers, to prevent further settlement, and to prevent all communication between the lakes and the Mississippi by this route; and we are to presume that these were the considerations by which they induced President Monroe to set aside the treaty of Boyer, by which this country was ceded to the United States, and for which the Indians duly received payment. But, as the interests of the Government and of this territory are properly in the charge of the commissioners, and presuming that they are better informed of their extent and value than myself, I forbear to make any remarks upon this part of the case.

With due respect, I am, gentlemen,
Your obedient servant,

J. D. DOTY.

To the Honorable,

The Commissioners of the U. S.



Journal of the proceedings of a Board of Commissioners appointed by the President of the United States, under date of 7th June, 1830, to locate a District of Country at Green Bay, and establish the boundaries thereof, for the accommodation and settlement of the New York Indians.

ERASTUS ROOT,
JAMES McCALL,
JOHN T. MASON, } *Commissioners.*

WILLIAM H. HUNT, *Secretary.*

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DETROIT, *July 10, 1830.*

Mr. McCall arrived in this city, and received from the hands of his Excellency Governor Cass, a letter of instructions to the board of commissioners, in the following words, to wit:

DEPARTMENT OF WAR, *June 9, 1830.*

GENTLEMEN: The second article of the treaty made and concluded at the Butte des Morts, on Fox river, in the Territory of Michigan, between Lewis Cass and Thos. L. McKenney, commissioners on the part

of the United States, and the Chippewa and Menomonie and Winnebago tribes of Indians, provides that a reference of a difficulty, as set forth in said article, between the Menomonie and Winnebago and the New York Indians, shall be referred to the President of the United States, whose decision in regard to it shall be final. The difficulty referred to, consists in disputes between the parties named, respecting the alleged purchase and sale of lands in the years 1821 and 1822. The New York Indians claim to have made bona fide purchases, and the Menominies and Winnebagoes deny it; alleging their intention to have been only to grant permission to their brothers in New York to sit down among them. The Menominies and Winnebagoes, in the second article of the treaty aforesaid, having given the right to the President to decide upon this controversy, and the right also to establish such boundaries between them and the New York Indians, as he may consider equitable and just; and the President, esteeming it proper to waive any decision upon the question of the validity of those compacts of 1821 and 1822, has determined to accommodate the New York Indians under the privilege given to him to do so, by locating a country, and establishing such boundaries between the parties, as may be equitable and just. That you may know the country purported to have been bought in 1821 and 1822, I enclose, herewith, extracts from the articles of agreement made at those periods, which define the alleged cessions.

The controversy hitherto existing between these Indians, as to what was, or what was not, purchased and sold in 1821 and 1822, may be assumed as settled in the treaty aforesaid, and in the authority vested in the President by the Menomonies and Winnebagoes, to act as umpires in establishing boundaries between them.

With a view to the execution of the trust conferred to him in the second article of the treaty aforesaid, the President of the United States hereby appoints you joint commissioners, to repair to Green Bay, and select a suitable country within that claimed and owned by the Menomonie and Winnebago Indians, and establish the boundaries of the same for the accommodation of the New York Indians. On your making the selection, and making to this department your report, with a map or drawing of the country which you may select, the President will approve or disapprove, as in his judgment he may esteem proper.

If he approve, the limits that may be defined by you will be and remain the country, the right and title to which will be in the New York Indians and their posterity, and upon which they will be protected by the laws made, or which may be made, establishing intercourse with the Indian tribes, and for preserving peace on the frontiers.

Two principal objects will present themselves to you, and these you will keep steadily in view: first, the providing a country and a home for the New York Indians, that shall be acceptable to them in soil, and wood and water, &c. Second, in consulting the views, and feelings and condition of the Menomonies and Winnebagoes, who have generously given permission to do so, it will be important that you harmonize these interests. It is not possible to direct you where to fix the boundaries, or what location to make, or what quantities of land to assign. In regard to quantity, however, it may be proper to remark, that justice to the Winnebagoes and Menomonies, and utility to the New York Indians, requires that no more be taken from the first and given to the last, than will subserve the interests and promote the comfort and prosperity of the last. Indian tribes, in a

hunter's state, (and this is the state of the Winnebagoes and Menomonies,) require large tracts of country, whilst tribes whose condition is essentially agricultural, (and this is the condition of the New York Indians,) require a less extensive domain. Indeed, to transfer them from fixed and reasonable agricultural limits, to boundless forests or extensive ranges, is at once to reconvert them from agriculturists to hunters, and to undo all that instruction and necessity combined, have accomplished to lift them from the hunter to the agricultural state. It will be important, therefore, in fixing on the quantity of land for the possession and ownership of the New York Indians, to have an eye to this twofold principle of doing no injury to the hunters, by trenching too extensively upon their domain, and of benefiting the agricultural party.

The Indians in the State of New York number, it is believed, about this time, about two thousand four hundred and twenty, and they claim about one hundred and thirty-one thousand six hundred and forty acres of land, which is a little over fifty-four acres to each individual. This view is not given to govern you in limiting the New York Indians to a like quantity at Green Bay; for it would be proper, doubtless, to allow them a quantity fully adequate to all the demands which, as an agricultural people, they ought to possess. But it would be proper, in deciding upon the quantity, to guard against leading them, by an over quantity, to give up their present state of improvement, and return again to roaming and the hunter's state. *This is particularly to be guarded against.* You can judge of the location and boundaries only on a survey of the country, and on ascertaining the views of the parties interested in the subject. It is, however, of the highest importance that both parties should acquiesce, so far as that may be possible, in the boundaries that may be established between them.

You are referred, for the topography of the country, to the maps of the Michigan Territory, and for local information, to such sources as may be developed on your arrival at Green Bay, in your intercourse with those who may have the local information to impart.

I enclose, herewith, a copy of the treaty above referred to, which contains the object of the trust, the execution of which is referred to you.

Your compensation will be at the rate of eight dollars for every twenty miles of travel, from and to your respective homes, the distance to be determined by the Secretary of War, and eight dollars for every day you may be engaged in the discharge of the duties of this commission, after your arrival at the seat of your operations; and this will be in full for your services.

You will be allowed a secretary, whose compensation will be at the rate of five dollars for every twenty miles of travel, and five dollars a day while engaged at the seat of your operations.

The amount appropriated to carry this object into effect, is five thousand dollars. This sum is, in no case, to be exceeded. The balance, after paying your accounts, and your secretary's, and an interpreter, and a surveyor, and chain-carrier, &c., should you find it necessary or expedient to employ them, you will distribute in useful goods among the Menomonic and Winnebago Indians.

It is probable that a few of the chiefs of both tribes, and also a few of those of the New York Indians, may desire to attend you in your examinations, &c. If so, you will allow to each, not exceeding five from the Menomonic and Winnebago tribes, and three from the New York Indians, now located at Green Bay, one dollar and fifty cents a day, to furnish them with supplies,

&c. This will also form a part of the cost, and be a charge against the appropriation of the five thousand dollars, aforesaid.

You will, in making up your returns, state your accounts so as to show the number of miles travelled, and the number of days you were engaged in the execution of the trust, and accompany them with the original bills of purchases of such goods as you may distribute, and add to the accounts your certificates of their correctness.

The amount of the appropriation will be placed to your credit in the Branch Bank in New York, subject to your joint or separate orders as commissioners.

I have already called your attention to the great object of reconciling the tribes, concerned in the lands you are entrusted to set apart for the accommodation of the New York Indians. Your attention is again called to that subject. The great object to be attained, in this business, is harmony. It would not be sound policy to introduce a new and strange tribe near the Winnebagoes and Menomonies, if any thing of heart burning shall exist. Strife would be the consequence, and the New York Indians would become so dissatisfied as to be deterred from a removal. It is matter of the first importance, therefore, in regulating the quantity of land to be given them, and particularly in its location, that you so arrange matters as to preserve good and kind feelings amongst the parties. The New York Indians are a weak and feeble tribe, peaceably disposed, and incapable to contend in war with the powerful tribes of the lakes. It would be cruelty in the Government to send them to a new home, where they would be under any feelings of dissatisfaction, and be subjected to danger. Hence, before the President can give his sanction to any arrangement to be made by you, he will require to be fully satisfied, that the important considerations here suggested, are certainly obtained, and to effect these, care and caution must be regarded.

Very respectfully, gentlemen,

Your obedient servant,

JOHN H. EATON.

To General ERASTUS ROOT,

JAMES McCALL, Esq., and

J. T. MASON, Esq., (of Kentucky,)

} Commissioners, &c.

DETROIT, *July 14, 1830.*

General Root having arrived in this city, met Mr. McCall, and Mr. Hunt, the secretary, at the Mansion House. The instructions were read and examined, and thereupon

Ordered, That the secretary procure a blank-book, and enter a journal of the proceedings of the commissioners therein, from the opening of the letter of instructions by Mr. McCall.

Ordered, That the secretary procure stationary for the use of the board.
Adjourned.

Thursday, July 15, 1830.

General Root, Mr. McCall, and the secretary, met at the Mansion House.

Ordered, That the secretary procure a map of the Territory of Michigan, for the use of the commissioners, agreeably to the reference in the letter of instructions.

Adjourned.

Friday, July 16, 1830.

General Root, Mr. McCall, and the secretary, met at the Mansion House.

The secretary reported that the best and most approved map of the Michigan Territory has lately been published by John Farmer: that he cannot find one for sale in this city, but has been able to borrow one for a short time.

Ordered, That the secretary purchase a portable desk, for the use of the commissioners.

Adjourned.

Monday, July 19, 1830.

The secretary excused himself for absence, on Saturday, by reason of indisposition.

Mr. Mason arrived in this city on Sunday, the 18th instant.

The board convened at the Mansion House this day.

Present, General Root, Mr. McCall, Mr. Mason, commissioners.

Resolved, That it is expedient to procure the allegations, proofs, and statements, referred to in the second article of Butte des Morts, or the substance thereof, if to be obtained within this Territory.

Resolved, That a letter be addressed to his Excellency Governor Cass, requesting such information in the premises as he may be able to render.

Adjourned.

Tuesday, July 20, 1830.

The board of commissioners met at the Mansion House.

Present, the same members as yesterday.

Agreeably to a resolution of yesterday, a letter was prepared, signed by the commissioners, and addressed to Governor Cass, of which the following is a copy, to wit:

DETROIT, *July 19, 1830.*

The undersigned commissioners, appointed, by the President of the United States, to locate a district of country at Green Bay, and establish the boundaries thereof, for the accommodation of the New York Indians, are referred in their instructions to the 2d article of the treaty of Butte des Morts, concluded between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States, and the Chippewa, Menomonie, and Winnebago Indians, on the 11th of August, 1827.

By that article, it appears that a journal was kept, and the allegations, proofs, and statements of the respective parties were entered thereon, to enable the President to decide in the premises. With these allegations, proofs, and statements, we have not been furnished.

To come to a correct conclusion, in the several matters committed to our charge, some knowledge of the substance of those allegations, proofs, and statements, seems to be necessary. We therefore request your excellency to furnish us with such information as you may possess, in relation to that journal, and the allegations, proofs, and statements, therein contained.

With sentiments of the highest respect,

We have the honor to be,

Your Excellency's obedient servants,

ERASTUS ROOT,
JAMES McCALL,
JOHN T. MASON.

Adjourned.

Wednesday, July 21, 1830.

The board met at the Mansion House, pursuant to adjournment.

Present, Erastus Root, James McCall, John T. Mason.

The minutes of the treaty at Butte des Morts, as taken by Mr. Polk, were presented by Mr. Dean, agent of the Brothertown Indians, for the examination of the commissioners, also, a map of the private land claims at Green Bay, drawn by Mr. Mullet, surveyor of Michigan Territory.

Adjourned.

DETROIT, Thursday, July 22, 1830.

The board met at the Mansion House, pursuant to adjournment.

Present, Erastus Root, James McCall, John T. Mason, commissioners.

A reply to the letter of the commissioners, of the 19th instant, addressed to Governor Cass, was this day received, in the following words, to wit:

DETROIT, July 22, 1830.

GENTLEMEN: I have received your letter of the 19th instant, and in answer, have to state that the papers to which you refer, being the journal of the commissioners who negotiated the treaty of Butte des Morts, in 1827, and the allegations, proofs, and statements, submitted to them, and alluded to in the treaty, were transmitted to the War Department, where I presume they now are. No copies of them were retained here.

With much respect, gentlemen,

I have the honor to be,

Your obedient servant,

LEWIS CASS.

To the Commissioners, appointed to locate a district of country at Green Bay, &c.

Adjourned.

DETROIT, Friday, July 23, 1830.

The board met at the Mansion House, pursuant to adjournment.

Present, Erastus Root, James McCall, John T. Mason, commissioners.

The following letter was read, approved, and signed by the commissioners, to wit:

DETROIT, July 22, 1830.

SIR: In the execution of the commission with which we are entrusted by the President, to designate a boundary for the New York Indians within

the country claimed by the Menomonie tribe, we are required to harmonize all parties interested, and particularly to allay any discontent on the part of the Menomonies, from an appropriation of a part of their territory. To accomplish this, an object especially enjoined upon us, it is obvious that the commissioners must have consultations with the chiefs and head-men of the Menomonies, and from the connexion which the Winnebagoes have with the transaction, it is probable there may be a necessity of calling them together, or that they may voluntarily assemble at the seat of our operations. Anticipating these events, and knowing that Indians, when thus assembled, must be fed by the Government, and that according to usage, (with them an imperious law,) they will require a distribution of presents, as the price of good feeling. We call upon your excellency to know whether, from your department of superintendent of Indians affairs, or from any other source under your control, an adequate fund can be provided for these objects.

The manifest insufficiency of the fund placed at the disposal of the commissioners, to meet these expenditures, induces this application; it being evident that no favorable result can be anticipated from our undertaking, without resources commensurate with these necessary supplies. It would, therefore, be pleasing to us, desirous of accomplishing the views of the Government, that you be enabled to relieve us from an embarrassment presented at the threshold of our business.

From your long experience in Indian negotiations, and intimate knowledge of the condition and situation of the different tribes, we request the favor of your excellency to afford us an estimate of the necessary expense in provisions and presents, demanded by the character of the arrangement we are required to effect; of which you have full knowledge, from an examination of our instructions.

Should it not come within your province as superintendent of Indian affairs, or within the pale of the various duties assigned to you, in connexion with the Indian Department, to furnish the means for the supplies, or the supplies themselves, we should esteem it a particular favor, that you inform us what practice in such cases, as the one submitted to you, has received the sanction of the Congress of the United States.

You will pardon the importunities of our inquiries, and accept the assurances of our perfect esteem and high consideration.

ERASTUS ROOT,
JAMES McCALL,
J. T. MASON.

Adjourned.

To His Excellency LEWIS CASS,
Governor of Michigan.

DETROIT, *Saturday, July 24, 1830.*

The board met at the Mansion House, pursuant to adjournment.

Present, Erastus Root, James McCall, J. T. Mason, commissioners.

The answer to the letter of the commissioners of the 23d instant, addressed to his Excellency Governor Cass, was this day received, of which the following is a copy, to wit:

DETROIT, *July 23, 1830.*

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of yesterday.

There are no presents and provisions, nor funds to purchase them, at my disposal, applicable to the purposes you mention.

You will reach Green Bay at a season of the year when the resources of the Indians are exhausted, and you will find them poor and hungry. If your invitations are general to the Menomonie and New York Indians, and to such of the Winnebagoes as may consider themselves interested in your decision, I should think that one hundred barrels of pork, one hundred and fifty barrels of flour, and three hundred bushels of corn, would be the least quantity at which the consumption could be estimated. The Indians of that region are numerous, and the chiefs and warriors will be attended by their women and children.

If you should deem it necessary to issue presents, with a view to conciliate them, that the amount required would not fall short of eight thousand dollars; and that sum will not probably purchase a blanket for each of the persons who may attend. I subjoin a list of the articles of an Indian's dress, together with an estimate of the prices at Green Bay, that you may form an opinion concerning the most proper objects to which your funds can be applied.

Where the appropriation for holding a treaty has not been sufficient to purchase the articles found necessary to distribute to the Indians, it has been the practice, so far as my experience has extended, to procure them upon drafts drawn on the department, and payable after an appropriation should be made by Congress.

I am, gentlemen, very respectfully,
Your obedient servant,

LEW. CASS.

To the COMMISSIONERS,

Appointed to locate a country at Green Bay, &c.

The board took into consideration the propriety of making purchases as suggested by the foregoing communication of Governor Cass, and after deliberating on the subject, postponed the further consideration thereof until Monday, the 26th instant.

The commissioners, being informed by Governor Cass, and others acquainted with the fact, that no interpreter can be obtained at Green Bay, through whom communication can be had with the Menomonies, it is

Ordered, That the secretary inquire whether such an one can be procured here, and for what compensation.

Adjourned.

DETROIT, *Monday, July 26, 1830.*

The board met at the Mansion House, pursuant to adjournment.

Present, Erastus Root, James McCall, John T. Mason, commissioners.

A letter was received from Governor Cass, of which the following is a copy.

DETROIT, *July 26, 1830.*

GENTLEMEN: By a letter from the Acting Secretary of War, of the 12th instant, I have been informed that you are authorized, through me, to draw on the department for such sums as you may consider necessary for the expense of your commission, not exceeding, however, \$5,000; and am directed to endorse my approval on the draft, which, so endorsed, will be paid when presented at the department.

At any time you may wish, I will endorse your draft agreeably to these instructions.

Very respectfully,
I am, gentlemen,
Your obedient servant,
LEW. CASS.

To the COMMISSIONERS,

Appointed to locate a country at Green Bay, &c.

A preamble and resolution was submitted by Mr. Mason, in the following words, to wit:

"It being particularly enjoined upon the commissioners that they "reconcile the different tribes concerned in the lands which the commissioners are entrusted to set apart for the New York Indians," with an assurance that the President will give his sanction to no arrangement without being fully satisfied that the object is certainly obtained, by "consulting the views and feelings, and condition of the Menomonies and Winnebagoes;" and it being impossible to fulfil this part of the instructions without assembling the chiefs of these tribes, and holding councils with them; it being only in council that Indians ever can or will assent to any measure consistent with their established usages and the safety of the chiefs; and it being well known that when assembling, they come together with the principal part of the tribe, and their wives and children, who could not subsist in their absence, the question presents itself to the commissioners, whether they will proceed in designating a tract for the New York Indians without consulting the Menomonies and Winnebagoes, or whether, by assembling them, they will incur the necessity of feeding them at the expense of the Government; (the Indians, on such occasions, having nothing to eat, relying upon supplies from the Government,) and thereby exceed the sum put at their disposal? In the decision of which subjects they feel embarrassments from the restriction in funds, but still more in the conviction that without such supply of provisions there will be no hope of effecting the objects entrusted to their care; and that their mission will be an expense to the Government, productive of no good result; but, on the contrary, will be rather calculated to excite discontent and angry feelings on the part of the Indians, injurious to the interests which the commissioners are required to advance and protect, discreditable, (and in the eyes of the Indians, degrading,) to the Government and to those representing them: therefore,

Resolved, That the commissioners direct a purchase of provisions agreeably to the estimation of Governor Cass, and that they execute a draft in payment for the same, on the War Department, subject to an appropriation by Congress.

Which resolution was ordered to lie upon the table until to-morrow.

Adjourned.

DETROIT, *Tuesday, July 27, 1830.*

The board met at the Mansion House, pursuant to adjournment.

Present, Erastus Root, James McCall, John T. Mason, commissioners.

Ordered, That Mr. Henry Conner be employed as an interpreter, to accompany the commissioners to Green Bay, at a compensation of five dollars per day, he paying his own expenses.

The preamble and resolution, submitted yesterday by Mr. Mason, was taken up and agreed to; and proposals for the furnishing of supplies were filed with the commissioners.

Adjourned.

DETROIT, *Wednesday, July 28, 1830.*

The board met at the Mansion House, pursuant to adjournment.

Present, Erastus Root, James McCall, John T. Mason, commissioners.

Mr. Mason proposed, that the resolution submitted by him, and adopted yesterday, relative to the obtaining of provisions for the Indians, be rescinded; alleging that, by further information upon that subject, he was assured that no valuable object could be accomplished by assembling them, without such means of conciliating as usage has established, and their expectations will require.

Adjourned.

DETROIT, *July 29, 1830.*

The board met at the Mansion House, pursuant to adjournment.

Present, Erastus Root, James McCall, John T. Mason, commissioners.

Proposals were received from B. B. Kercheval, for furnishing provisions, of which the following is a copy.

GENTLEMEN: In conformity to your verbal request of this morning, to be informed what I would obligate myself to deliver the following articles at Green Bay for, I have the honor to state that I will furnish, on or before the 12th day of August next, the dangers of the lakes and rivers excepted, the following articles, at the prices set opposite to each:

85 barrels prime one hog pork,	.	.	.	\$13 50
150 do. fine flour,	.	.	.	5 75
300 bushels corn,	.	.	.	0 75

Amounting, in the whole, to two thousand two hundred and thirty-five dollars and fifty cents; the same to be paid by a draft on the Secretary of War, subject to an appropriation for that purpose; the draft to bear interest from the first day of March next, if not paid by that time.

I have the honor to be, &c., &c.,

B. B. KERCHEVAL.

Hon. E. Root,

J. McCall,

J. T. Mason,

Commissioners.

The foregoing proposals were accepted by the commissioners, *provided*, however, that in no case are they, or any one of them, to be held personally responsible in the transaction for any part of the purchase.

Adjourned.

DETROIT, *Friday, July 30, 1830.*

The board met at the Mansion House, pursuant to adjournment.

Present, Erastus Root, James McCall, John T. Mason, commissioners.

Ordered, That the secretary notify Mr. Kercheval, that the commissioners accept of his proposals, and that, agreeably to his engagement, it is expected that the provisions will be forwarded by the steamboat Niagara to-morrow, if said boat should sail for Green Bay.

Ordered, That the secretary inform the interpreter of the intention of the commissioners to take passage by the Niagara, and request him to accompany them.

Robert Irwin, Jr., filed proposals for providing a table, lodgings, &c., for the commissioners after their arrival at Green Bay, the consideration whereof was postponed until after their arrival at that place.

Adjourned.

DETROIT, *August 4, 1830.*

The Niagara not sailing for Green Bay on the 31st July, as was proposed, the commissioners took passage for that place this day, in the the steamship Sheldon Thompson.

GREEN BAY, *August —, 1830.*

The commissioners arrived at the seat of their operations this day, via Fort Gratiot, Sault de St. Marie and Mackinac, where the boat touched for the purpose of landing United States' troops.

The board convened at the ———

Present, Erastus Root, James McCall, John T. Mason, commissioners; W. B. Hunt, secretary.

The following proposals were submitted by Mr. Mason, to wit:

1st. To send for the chiefs of the Menomonies and Winnebagoes, to ascertain their views in relation to the section of country to be designated for the New York Indians, with a view to harmonize the feelings of all.

2d. That they be notified to assemble at Green Bay on this day two weeks, it being the shortest period in which they can be collected according to the information received.

3d. That the New York Indians be invited to attend the council with the Winnebagoes and Menomonies.

4th. That the time between this and the assembling of the Indians, be employed by the commissioners in examining the country on both sides of the Fox river, and in visiting the settlements of the New York Indians.

Ordered, That the Winnebago and Mononomie chiefs be invited to attend the commissioners in council at Green Bay, in two weeks from this date, and that the New York Indians be invited to attend.

Ordered, That the interpreter, Mr. Conner, take measures to carry the foregoing into effect.

Adjourned.

GREEN BAY, *August 11, 1830.*

The board met, pursuant to adjournment.

Present, E. Root, J. McCall, J. T. Mason, commissioners.

Ordered, That a batteau be chartered for the use of the commissioners, with a sufficient number of oarsmen to ascend Fox river, and that tomorrow be fixed as the day for their departure.

Ordered, That Mr. A. G. Ellis be employed to accompany the commissioners in the capacity of surveyor.

Adjourned.

GREEN BAY, *August 12, 1830.*

This morning the commissioners left Green Bay to visit the New York Indians; and having ascended the Fox river fifteen miles, encamped for the night.

August 13, 1830.

Arrived at the foot of the rapids of the Grand Kakalin, at the village of the Stockbridge Indians, and were received in a hospitable and friendly manner. The mission-house was offered for the accommodation of the commissioners, which was accepted.

August 14, 1830.

Owing to the inclemency of the weather, the commissioners did not leave the mission-house until noon; and having passed Crooked rapids, encamped for the night. This day the surveyor commenced running a line from the foot of the Grand Kakalin to the rapids of the Winnebago lake.

August 15, 1830.

Left the place of encampment at an early hour, and passed the *Grand Chute* about noon. Arrived at evening at the *Little Butte des Morts*, and encamped for the night.

August 16, 1830.

Left the *Little Butte des Morts* at an early hour, and on arriving at the outlet of the Winnebago lake, on landing, they were met by the Winnebago chief, Four Legs; of whom inquiry was made, what point was designated or understood as the rapids of the Winnebago lake, on the arrangement made with the New York Indians. He declined giving an answer until the arrival of the chief called the Duck, whom he had sent for, to consult with and interpret for him. The commissioners ascended the lake a short distance, and returned in a few hours, and called at the wigwam of Four Legs, agreeably to his invitation. He had made the customary preparations to receive the commissioners in a manner suitable

to their rank, being surrounded by his warriors, and attended by his aid-de-camp, and addressed the commissioners as follows, to wit:

“Father, when the Wappeneke (New York Indians) came to this country, I was the first to take them by the hand. They asked us for land to sit down upon—to cultivate and raise something to feed their children. They gave us some presents—not enough to clothe us; and we gave them permission to sit down and cultivate the land as we did; but did not sell it. At first, few came: but since that they are coming yearly, as though they would claim the whole country in spite of us. We granted them permission to settle upon the land they now inhabit, and as far up as the Little Chute. But the chief is now dead, and the tree fallen where he marked the limits. If they say we did more than this, they tell lies; and we appeal to God, who made the day-light, for the truth of what we say. You will hear from all the chiefs in council, and they will declare to you the same.”

Left Winnebago lake and encamped three miles above the Grand Kakalin.

August 17, 1830.

Left the place of encampment at break of day, and returned. On our way down, met the Stockbridge Indians in council at their mission-house, where the commissioners addressed them as follows, to wit:

“Brothers, your great father, the President, has heard your petition, and agreeably to your request, has sent us among you, as his commissioners, with a view to set apart a country for you, where you may live free from interruption. That you may fully understand his views, and our authority and duties in relation to all the matters connected with this subject, we think it proper that you be furnished with a copy of our instructions, which we here present to you. In reading this instrument, you will find, in your consultations, various subjects for serious deliberation, and we wish you to mature your opinions, so that you will be able fully to communicate your wishes and feelings, when you meet us in council, at Green Bay, on Tuesday next, the 24th of the present month, agreeably to the invitation given to you. In our present visit, to examine the country, to view your position, and ascertain the boundary of your purchase of the Menomonies and Winnebagoes, we have called to give you a friendly salutation, and to assure you of our desire of fulfilling, to the best of our ability, the wishes of the President, which are friendly and kindly parental towards you, and directed entirely to your comfort and happiness.

“At the present interview, should you have any thing to suggest, or any information to give, we should be pleased to hear you.”

-And, thereupon, John Metoxen, their principal chief, rose, and replied as follows—

“Brothers, listen to a few words from me at this time. I thank the Great Spirit for preservation, and for this opportunity given us to meet with you this day at this place.

“We (present) are also pleased to hear that our great father, the President of the United States, has not forgotten us, but has sent you to pay us a visit. We rejoice to hear you say that he has a regard for our interests, as we will find in those papers you handed to us for our perusal.

“I have nothing to communicate in particular at present, only wishing that the chain of covenant friendship, established between your forefathers

and mine, may always be kept bright by us. I have spoken principally to express to you our satisfaction and pleasure to see and shake hands with you. We shall acquaint ourselves with those papers, and I hope by the time when we shall meet with you, agreeably to your appointment, our minds will be settled to communicate to you such things as we shall find necessary. This is all at present."

Left the mission-house at 2 o'clock in the afternoon, and arrived at Green Bay at 10 o'clock in the evening.

GREEN BAY, *Wednesday, August 18, 1830.*

The board met, agreeably to appointment.

Present, E. Root, J. McCall, J. T. Mason, commissioners.

Ordered, That arrangements be made with Captain J. P. Arndt for furnishing a table and suitable accommodations for the commissioners at the treaty ground.

Adjourned.

GREEN BAY, *Thursday, August 19, 1830.*

The board met, pursuant to adjournment.

Present, E. Root, J. McCall, J. T. Mason, commissioners.

This day was devoted to a consultation, by the commissioners, as the most proper course to be pursued in their negotiations with the Indians.

Adjourned.

GREEN BAY, *Friday, August 20, 1830.*

The board met, pursuant to adjournment.

Present, E. Root, J. McCall, J. T. Mason, commissioners.

The commissioners received an invitation to call at the residence of the Rev. Mr. Williams, this afternoon, for the purpose of meeting a deputation of the Oneida chiefs.

When convened, the commissioners addressed them as follows:

"Brothers, your talk has been heard by your father, the President. He wishes to make you happy in your present homes, and has sent us, his commissioners, to fix a boundary for your lands, that you may be free from interruption.

"The power that he has given us, and the duties he requires at our hands, you will be able to understand from the paper we send you, which is his letter of instructions to us. You will read it, and think well on what he has said; and when you meet us in council, on Tuesday next, the 24th of the present month, we wish you to be prepared to give an expression of your feelings and opinions, fully made up for the important occasion. Your interests are deeply concerned in these deliberations, and we are desirous to hear you in candor and plainness. On our part, we are prepared to do you full justice, and to enter into your wants and sympathies with entire sincerity, and to exhibit the feelings of your father, the President, which are altogether kind and parental towards you.

"We shall be at all times pleased to give you an attentive ear to any thing you may have to say to us, and will take occasion to visit you at your settlement. Finding your chiefs here, to-day, we send you this letter."

Adjourned.

GREEN BAY, *August 21, 1830.*

The board met, pursuant to adjournment.

Present, Erastus Root, James McCall, John T. Mason, commissioners.

The following communication was received from the chiefs of the New York Indians, to wit:

GREEN BAY, *August 21, 1830.*

The Chiefs of the New York Indians to the Honorable the Commissioners of the President of the United States, now at Green Bay,

RESPECTFULLY MAKE KNOWN,

That they are happy to hear of the errand on which the honorable commissioners have come, and to congratulate them on their safe arrival.

The chiefs of the New York Indians hereby acknowledge the official notification of the commissioners, calling them to a united council, to be composed of the honorable commissioners, the Winnebagoes, the Menomones, and the New York Indians, for the purpose of settling certain questions known to be at issue between the New York Indians and the other tribes above named, which council the commissioners have appointed to be opened on Tuesday the 24th instant, at or near Green Bay.

The chiefs of the New York Indians beg leave to make the following preliminary requests:

First. That the place of holding the council may be *without* the settlement of Green Bay.

Secondly. That none but the parties concerned, and the honorable commissioners, may be admitted to witness the deliberations of the council.

Thirdly. That the doings of the council shall be sacredly kept from all persons without, until the deliberations are concluded.

The honorable commissioners will be able to appreciate the motives of these requests, when they are informed, that the chiefs are fully satisfied of the interested and meddling interference of the white citizens of Green Bay, in the affairs of the Indians; and, moreover, that the chiefs have reason to be fully convinced, that little or nothing can be effected in the contemplated negotiations of this council, towards the adjustment of existing differences, and for the attainment of the objects of this commission, unless the influence of the white citizens of Green Bay can be entirely excluded.

Confiding in the justice of the honorable commissioners, and in their earnest desire to fulfil the purposes of their commission, the chiefs of the New York Indians flatter themselves that the commissioners will see and feel the reasonableness of these requests, and that they, the commissioners, in view of these reasons, will institute and sustain effectual measures for the sessions and deliberations of the contemplated council, to be held in strict and rigid conclave, until they are concluded; so that those without cannot be made acquainted with what is passing within.

Most respectfully submitted.

JNO. W. QUINNEY,

A. MILLER,

DANIEL BREAD, his x mark.

JOHN ANTHONY, his x mark.

HENRY DOWLIS, his x mark.

NEDDY AUTTSIQUETTE, his x mark.

JOHN T. MASON,
ERASTUS ROOT,
JAMES MCCALL.

Ordered, That Mr. Conner, interpreter, perform the duty of issuing commissary to the different tribes, from this date, and make his return of the number of rations issued to the respective tribes at the close of the council; and, also, that he distribute such presents to the Indians, under the direction of the commissioners, as may be thought necessary.

Adjourned.

GREEN BAY, *August 23, 1830.*

The board met, pursuant to adjournment.

Present, Erastus Root, James McCall, John T. Mason, commissioners.

In reply to the communication of the New York Indians of the 21st instant, the commissioners, this day, made the following reply, to wit:

GREEN BAY, *August 23, 1830.*

The commissioners acknowledge the receipt of the letter of the 21st instant, from the chiefs of the Oneida and Stockbridge Indians, and have considered their request. In reply, they have to observe, that any consultation which the chiefs and delegates of the New York Indians may wish to have with the commissioners, may be either private or public, as may best suit their views; but the holding of secret conferences with the Winnebagoes and Menomonies is impracticable, even were it proper.

The change of place for holding the council cannot now be a subject of inquiry; the preparations having been made for this place, and large numbers of Indians already encamped.

The commissioners would hope that the apprehension of improper influence, expressed in the communication received, is without foundation; but should they discover any exceptionable course by any one on that subject, it will be their duty to counteract it.

The commissioners, as the agents of the Government, must hear and give attention to all communications, whether from their own citizens or the Indian tribes.

Adjourned.

GREEN BAY, *August 24, 1830.*

The board met in council with the following chiefs and head-men of the different tribes:

Present, Erastus Root, James McCall, John T. Mason, commissioners.

For the St. Regis Indians—Rev. Mr. Williams.

For Brothertown Indians—William Dick, R. Fowler, John Johnson.

For Oneida Indians—John Anthony, Daniel Bread, Henry Powlas, Conelius Stevens, Neddy Auttsiquette.

For Stockbridge Indians—John Metoxen, John W. Quinney, R. Konkerpot, Jacob Chicks, Andrew Miller.

For Munsees—James Hunt.

For Winnebagoes—Hoo-tshoop, or Four Legs, Shouunk-tshunk-siap, or Black Wolf, Whe-ank-kaw, or Big Duck, Monk-ka-kaw.

Names of principal Menomonie Chiefs present.

Os-kaush, or the Brave; Josette, or Josette Carron; Paw-we-gon-ma, or the Grand Soldier; Kause-kaw-no-nave; or the Bear's Grease; Pe-wit-lanet, or the Rain; Wau-bose, or the Hare or Rabbit; Mau-bus-see-ause, or Rabbit; Mha-naun-posh, or the Wave; Tchi-kau-mha-ki-chin, or the Little Chief; Tche-naun-paw-ma, One-whom-all-looked-upon.

The pipe having passed from the commissioners to the chiefs of the different tribes, General Root read the following address on the part of the commissioners, to wit:

Brothers: Your red brethren, the New York Indians, came to your country some years ago, and you took them by the hand, and told them they might have a home among you. You sold them land to live on, and they paid you money and goods for it. They believed that you were satisfied, and they have brought their wives and children from a great distance, and have built houses, and have put the lands in corn and settled on them as their own.

Your great father, the President, saw this, and was pleased. He was glad that his red children could agree among themselves, and help each other. But he heard that you afterwards became dissatisfied, and he was sorry. He wishes to see all his red children happy, and love each other as brothers. His heart is sad when his children cannot agree. He wishes to inquire into your difficulties, and to do justice to all. He has been told that you and the New York Indians disagree about the boundaries of your lands; and he has sent us, his commissioners, to hear what you all have to say, and to fix the lines between you. At the treaty of Butte des Morts, you said to your great father, the President, that you wished him to keep his red children from quarrelling about their lands, and you then agreed that he should settle all differences among you, as a father who loves all his children alike; and you promised to obey him as good children, and do what he should tell you. Your father has so many white children to take care of, that he cannot come himself to see you; but he has sent us, his officers, to talk with his red children, and hear what they have to say. He has told us to hear all, and to do justice to all; and ordered us to lay off a tract of land for the New York Indians, where they are to live, and have a home of their own, free from any interruption, and where he must protect them as he does his other children.

Now, we want to hear what you have to say, and we want you to tell us what boundary would best suit you and your brethren, the New York Indians.

Your great father says they must have enough for themselves and their children; and he has told us to leave a plenty for you to hunt on, and where you may raise corn and build your wigwams. We will listen to any thing you have to say now, or when you are prepared to talk.

The following statement, drawn up by General Root, was entered upon the journal at his particular request:

By the treaty of Green Bay, concluded between the New York Indians on the one part, and the Winnebago and Menomonie nations of Indians on the other part, on the 18th August, 1821, the latter ceded to the former all their right to the interest and claim of the following lands, viz., "Beginning at the foot of the rapids of the Fox river, usually called the Grand Kakalin, thence up said river to the rapids at Winnebago lake, and from the river

extending back in their width on each side, to the northwest and the northeast, equi-distant with the land claimed by the said Menomonie and Winnebago nations of Indians;" the latter nation of Indians reserving to themselves the right of occupying a necessary proportion of the lands thereby ceded for the purpose of hunting, and also the right of fishing; but by such use and occupation, they were to commit no waste or depredation on such lands as might be under improvement by any of the said New York Indians.

The cession of these lands was made as aforesaid, in consideration of two thousand dollars, five hundred dollars of which was paid at the time; and the remaining fifteen hundred dollars, was afterwards paid according to agreement. The purchase was made in conformity to the will of the Government of the United States, and afterwards received its entire approbation.

The purchase, however, being deemed too small, and too remote from Green Bay, for the accommodation of all the New York Indians wishing to emigrate, a further application was made to the President of the United States, for permission to obtain further grants of lands in this quarter of the country. The Government readily complied with this request, and afforded every needful facility, for the accomplishment of the purpose. Accordingly, a treaty was made and concluded with the New York Indians, on the one part, and the Menomonie nation of Indians, of the other part, at Green Bay, on the 23d of September, 1822. The Menomonie nation, in consideration of three thousand dollars, the whole of which sum has been paid, ceded, released, and quit-claimed to the New York Indians, to be held by them in common with the Menomonies, a very large tract of land, extending southwesterly to the tract ceded to them in 1821, by the Winnebago and Menomonie nations of Indians, and the Milwaukia; eastwardly to Lake Michigan, northeastwardly to the mouth of Green Bay, including the islands of the Grand Traverse, and the Bay des Enoch; northerly to the sources of the great river Menomonie, at the height of land between the waters of Lake Superior, and those running into Lake Michigan; and westerly to the tract ceded by the treaty of 1821. This immense tract must contain at least four or five millions of acres. The evident intention of the parties, as derived from the instrument itself, was, that they should all enjoy the tract in common, (except the claim of French settlers and of United States' lands at Fort Howard;) that each family should have equal privileges, the one with the other; that the possessions and improvements there made, or thereafter to be made, by either party, or by individuals of either party, should not be intruded on, infringed, or molested by any other party or individual. In short, that all should enjoy their own improvements; and that the lands, not improved, should be owned by the whole community of all parties.

Under these circumstances, misunderstandings were found to exist, which led to the following article in the treaty of *Butte des Morts*, concluded on the 11th August, 1827:

ARTICLE 2d. Much difficulty having arisen from the negotiation, between the Menomonie and Winnebago tribes, and the various tribes and portion of tribes of Indians of the State of New York; and the claims of the respective parties being much contested, as well with relation to the tenure and boundaries of the two tracts, claimed by the said New York Indians, west of Lake Michigan, as to the authority of the persons who signed the agreement on the part of the Menomonies; and the whole subject having been fully ex-

amined at the council, this day concluded; and the allegations, proofs, and statements of the respective parties, having been entered upon the journal of the commissioners, so that the same can be decided by the President of the United States; it is agreed by the Menomonies and Winnebagoes, that so far as respects their interests in the premises, the whole matter shall be referred to the President of the United States, whose decision shall be final; and the President is authorized on their parts, to establish such boundaries between them and the New York Indians, as he may consider equitable and just."

With a sincere desire to remove every evil, and adjust every difficulty among his red children, our great father, the President of the United States, has sent us to this place to locate a district of country, and establish the boundaries thereof, for the accommodation and settlement of the New York Indians. It is expected by your great father that the chiefs of the Winnebago and Menomonie nations will assist us by their friendly advice, in pointing out the boundaries of their separate possessions, so as to preserve the utmost harmony and good feelings among all branches of his family, and that the chiefs of the New York Indians, on whose request the commission was sent, will do every thing in their power to conciliate and secure the good will and esteem of their brethren, among whom they come to settle.

Adjourned.

GREEN BAY, *August 25, 1830.*

The board met the principal chiefs of the Menomonie, Winnebago, and New York Indians in council this day, when further time was asked by the Menomonies for their separate deliberations; which was granted by the commissioners, and the council adjourned.

GREEN BAY, *August 26, 1830.*

The board met the principal chiefs of the Menomonie, Winnebago and New York Indians in council this day. The commissioners requested the interpreter to ask the Menomonie chief, Os-kaush, if he was ready to speak; when he arose, and remarked that he could neither speak, or understand the Chippewa language.

The commissioners directed that he be informed that he might select an interpreter, and that they would compensate him.

Hoo-tshoop, or Four Legs, the Winnebago chief, remarked that the Winnebagoes would join the Menomonies in the choice of an interpreter, but that it was usual for the commissioners to make the choice.

The council then adjourned until afternoon, to give time for the selection of an interpreter.

Three o'clock, Afternoon.

The council met, agreeably to adjournment.

Mr. Grignon presented himself as interpreter, on the part of the Menomonies, who was approved by the commissioners.

Mrs. Frome presented herself to interpret, in aid of Mr. Conner, from

the Winnebago into the French language, who was also approved by the commissioners.

Os-kaush, or the Brave, the Menomonie chief, then rose and addressed the commissioners as follows:

"We believe that we know what you were sent here for; but we want a copy of your instructions, that we may make you a reply. I speak for myself, and also for the whole nation. The New York Indians are men of learning; they have a person to assist them. We ask the same privilege. This is all we have to say at present."

Four Legs, the Winnebago chief, rose, and said that "he wished also a copy of the same instructions. That we do not know who may live or who may die, and he wished to contend for *his* rights, as well as those of the Menomonies; that he thought one person would suffice for both. As they are entirely ignorant of reading and writing, they want some individual to defend their rights, and they will abide the result; but they do not know who the commissioners will appoint."

The commissioners then informed the Winnebago and Menomonie chiefs that they were at liberty to choose any one to assist them. Os-kaush, the Menomonie chief, replied—

"We do not wish to say that the old traders are not good men, but we will select one of your own rank; one who lives in a brick house; one who tries criminal cases—Mr. Doty."

The commissioners then informed the chiefs that they must be prepared to answer them on the morrow.

Hoo-tshoop, the Winnebago chief, replied "that he respected the chief on his left as his brother; that they had no previous talk together, but happened to be both of one opinion; that it was for want of learning that he had requested that Judge Doty might defend them; that it was all he had to say to-day; and was ready at all times to hear the commissioners as patiently as he had done to-day."

Council adjourned.

GREEN BAY, *August 27, 1830.*

The council met, pursuant to adjournment.

Present, the commissioners and Indian chiefs, as yesterday.

The Menomonie chief, Josette, rose and addressed the commissioners as follows, to wit:

"We, the people of the red skins, wish to know of you, the commissioners, what the New York Indians want to do. We repeat, (I speak by myself the voice of the men, women and children,) we want to know what the New York Indians want."

Os-kaush, Menomonie chief—

"For a long time, I have heard murmurings of business done without our knowledge, and previous to the treaty at the Butte des Morts.

"All the papers I have any knowledge of signing was at that treaty. We there acknowledged to have agreed to give the New York Indians from the Grand Cascade to the Little Chute, one day's march for a man and his family, back each way. This is all we have to say until we hear from the New York Indians."

Four Legs, the Winnebago chief—

"Fathers: My voice is with the Menomonies, and can say nothing different. Eight years ago I had a conversation with the New York Indians, and gave a cession from the Grand Kakalin to the Little Chute. It is evident to all, who were at the treaty at the Little Butte, that I did sign the treaty, and gave them from the Grand Kakalin to the Little Chute, and one day's march (fifteen miles) in the rear. I have said this to the New York Indians, and, my father, it is all I have to say; and I want to hear what the New York Indians have to say. What I did was in public; if they want to take more land than this, they wish to get it by fraud and corruption. None of our chiefs ever consented to any more. But it is their turn to speak."

The commissioners to the New York Indians—

"The Menomonies have told what they had to say. You may now speak, and present your claim."

Peter Augustine said, "What the New York Indians have to say shall be in writing. But as it is lengthy, and will take some time to interpret it, we wish copies furnished to the Menomonies and Winnebagoes, for them to peruse at their leisure." To which the Menomonies assented.

John Metoxen, a Stockbridge chief—

"I thank the Great Spirit for allowing us this day, wherein we may hear each other. It is becoming brethren to speak to each other in a friendly way. Now we shall begin to hear one another."

The chiefs of the New York Indians, now resident near and about Green Bay, including those of the Six Nations, and of the St. Regis, Stockbridge, Munsee, and Brothertown nations, who have removed from the State of New York, to the honorable commissioners from the President of the United States, in mutual council, assembled at Green Bay respectfully show:

BROTHERS: We have received your communications, accompanied with a copy of your powers and instructions from our father, the President of the United States, with which we desire to say we are much satisfied; as also with your own kind expressions of a willingness to hear us patiently and candidly, in all the matters we may have to communicate.

Brothers: We thank you for this kindness, and we thank our great father, the President, that he has been pleased to hear our talk, sent to him at a former time, and commission such trustworthy servants, as we believe you to be, to hold a council with us in his name and on his behalf, relating to our misunderstandings here with our brethren the Winnebagoes and Menomonies.

And we thank the great and good spirit, our God and Father in heaven, as also yours, that he has been pleased to hear our prayers, and put it in the heart of our father, the President, to give this needful attention to our wants. And it is now our earnest desire, that wisdom, justice, and mutual kindness may be given to us from on high; to you, the commissioners, to us, and to our brethren the Winnebagoes and Menomonies, the original parties in the present differences; that our deliberations may be conducted with a mutual good will and decorum; be brought to a just and satisfactory issue; and that our father, the President, and the supreme authorities of the United States, may confirm to us and to our children a territorial inheritance, which shall not hereafter be disturbed.

Brothers: You say to us, in your introductory communications, "Your interests are deeply concerned in these deliberations, and we are desirous to

hear you in candor and plainness: on our part, we are prepared to do you full justice; to enter into your wants and sympathies with entire sincerity; and to exhibit the feelings of your father, the President, which are altogether kind and parental towards you."

This, brothers, is very good; and we are encouraged by these assurances to repose great confidence both in you and in the President. And we will now proceed to lay before you, and through you, before our father, the President, some of our thoughts.

First. Brothers, we speak what is well known, that the customary negotiations between Indian nations themselves, and between them and white people, have heretofore and generally been such, as to leave little or no documentary evidence of their nature and terms, except the brief record contained in the short and very comprehensive articles of a treaty; and sometimes very important items of agreement are wanting even in this general, and often undefined evidence. Indians are accustomed to depend on good faith, and on the conscious records of the heart, with some slight external memorials of those impressions, set up by mutual agreement.

Whenever, therefore, for any reasons of interest or of will, there is a willingness in a party to an agreement to forget its minute and important items, parliamentary and judicial evidence is very difficult of attainment.

We premise this, brothers, that you may anticipate the difficulty which exists, and the right which ought reasonably to be awarded to us in lieu of documentary evidence, in making out the *argument* of our cause.

The questions to be discussed at this council, as understood by us, are the *nature* and *extent* of the territorial claims of the New York Indians; first, in relation to their brethren the Winnebagoes and Menomonies; and next, in relation to the Government and jurisdiction of the United States; it being understood, that the claims here spoken of have respect to certain lands on Fox river, in the Territory of Michigan.

The evidence in support of those claims is three fold: *presumptive, circumstantial, and documentary.*

First, brothers, we would make a remark or two, expressive of our opinion as to the *nature* of our claims; first, in relation to our brethren the Winnebagoes and Menomonies.

The treaty between us and them, of the 18th August, 1821, will show that the Menomonic and Winnebago nations "*ceded, released, and quit-claimed*" to us "*for ever, all*" their *right, title, interest, and claim* in the territory defined in that treaty; "*reserving to themselves the right of occupying a necessary proportion of the lands thereby ceded for the purpose of hunting, and also the right of fishing;*" stipulating, on their part, that "*in such use and occupation they would commit no waste or depredation on our improvements.*" It will be seen, therefore, that here is a conveyance of an entire and exclusive right in the territory, with the reservation of the privileges, and on the conditions specified. And this conveyance was made for certain valuable considerations, a part of which are specified in the third article, and others of a moral and confidential nature.

The treaty of the 23d of September, 1822, between us and the Menomonic nation, also "*ceded, released, and quit-claimed*" to us "*for ever, all*" their "*right, title, interest, and claim,*" in the territory defined by said treaty. And we, on our part, "*have promised and agreed, to and with the Menomonic nation, that they shall have the free permission and privilege of occupying and residing upon the lands thus ceded, in common with us.*"

Provided, nevertheless, that they shall not in any manner infringe upon any of our settlements and improvements." And this conveyance was also made for like valuable considerations with the former—part pecuniary, and part moral and confidential. Such are the terms of the two treaties; both vesting in us the exclusive territorial right, so far as we and they are concerned; and so far as the title vested in them: the first treaty reserving to the Winnebagoes and Menomonies the right of hunting and fishing, on the conditions specified; and the second treaty reserving to the Menomonies, who were the only other party concerned, the right of a joint occupancy and use with us, on the conditions therein specified.

The nature of our claim, therefore, in relation to our brethren, the Winnebagoes and Menomonies, we think sufficiently obvious by the terms of negotiation; it being understood that the territory defined in the first treaty, is separate from, and bordering *upon*, the territory defined in the second; the Winnebagoes and Menomonies being a joint party in the first, and the Menomonies a party alone in the last.

Next, as to the nature of our claim in relation to the *United States*. We are aware, that certain learned expounders of the laws of nations, *so called*, have expressed an opinion on this subject, from which, in duty to ourselves and to the world, we feel bound to dissent; and against which, so far as it has received the sanction of authority, we are equally bound to enter our solemn protest. We are a simple people, and we can never consent to surrender the principles of natural conscience and of natural justice, to any forms of law—*national, conventional, or whatever*—which are merely *convenient* to parties interested, and by them originated and declared for interested purposes. In other words, we declare and maintain a primeval and unqualified title to vest in any nation or tribe of men, be they more or less civilized, or more or less barbarous, who are found in the exclusive occupancy of any territory, for any purposes whatever, convenient and agreeable to themselves—a *territorial* title, *transferable* only at their will and by their act—to be alienated only by their free and sovereign consent; and that no adventitious difference in the *fact* or *degree* of civilization, thereby invests its subjects with a prior or superior claim of this description.

This is our doctrine, and although, in our case, we should be unable, in a conflict of opinion, to maintain it against the physical force of the great and powerful nation into whose power we have providentially fallen, yet, knowing their magnanimity, we do not hesitate to declare it; and, moreover, we believe and predict, that this doctrine will yet become the public opinion of the world, and its legitimate results awarded to all concerned. However, therefore, we ourselves may be treated, we claim, as in duty bound to claim, that the Indian title in all territories by them heretofore occupied and claimed, and which have not been *transferred* by their own voluntary acts, and in an equitable manner, is as full and perfect as that of any other people, for all political, civil, and municipal purposes; and for all the rights of private property, and all other personal prerogatives of individuals, whether they have claimed and used those rights or not; *except so far* as territorial jurisdiction, or any other original rights have been voluntarily surrendered by negotiation to any other Government, for its protection and for other privileges.

This, of course, is a mere declaration of our opinion, and connected and identified as we are with the people and Government of the United States, by a long series of negotiation, and by a gradual surrender of our original

rights, this doctrine can have no other practical influence with us, than to enable us to define the *nature* of our territorial claims, taking into consideration what we have surrendered. We are satisfied with our condition, provided we can be secured in our rightful territorial possessions.

The doctrine that certain accidental and undefined superiorities of one nation, themselves being judges of those superiorities, over another nation, thereby invests the former with the right of ejecting the latter from their territory, a territory occupied and used by them alone from time immemorial, simply because the former, in their wandering enterprise have happened to come in sight of this territory—*this doctrine*, we say, if it were now, for the first time divulged, and in its naked form, would doubtless be regarded as singular and startling; yet this is declared to be *the law of nations* by prescription, making out the right of discovery, so called.

Can this law of nations be analyzed, and its component elements made palpable? It seems to us to be something like this: the right of appropriation and jurisdiction over all the territories of barbarous nations vests in civilized nations, by the simple fact of this difference in their conditions; and *that* civilized nation which may happen to make the first discovery of any, and of whatever portions of the territory of barbarous nations, is thereby entitled to those territories by general consent.

Now, it is a known and acknowledged fact, that nations, "once civilized, have become barbarous; and nations, once barbarous, have become civilized. May we ask, then, for the line which divides between the two? This previous question, it will be seen, is very necessary to be settled; first, that a civilized nation may know when and where it is entitled to its right of discovery; and next, that barbarians may know when they are bound to submit to such claims, and also, in that fluctuation of human things, which depresses civilized nations to the condition of barbarism, and elevates barbarians to the prerogatives of civilization, that the latter may know, when they are entitled to make reprisal on the former. Does this line consist in any *measured* degree of intellectual and moral improvement; of advancement in literature, science, and art; of skill in the science of Government, and of actual incorporation under statutes and ordinances, recorded in visible forms, as also, of submission to the faith of christianity? And, if so, what is that measure or degree? We, ourselves, our brethren, and all the world are interested in the decision of this question.

The New York Indians, now resident at Green Bay, profess to be civilized; and we have been so far complimented, by those whom we are *disposed* to regard as disinterested and competent observers, as to be allowed to be more civilized, to observe better regulations in society, to have better manners, more virtue, and more religion, of the christian name, than some white citizens, who now occupy large territories in the new settlements of the United States. Now, the question is, whether those citizens are reduced to a condition of barbarism, and we entitled to make reprisal on them, in consideration of our former deprivation by the same law. If the question arise, who, in this case, are the first discoverers? it is easy to see, that the Indians were not only the discoverers, but the original holders, so far as the present parties are concerned.

Under these observations we submit our opinion of the *nature* of our territorial claim in relation to the United States. Taking into consideration, that we have voluntarily surrendered our original right of territorial jurisdiction, to a certain extent, and sundry other prerogatives of independent na-

tions, for protection and other valuable helps, which we have received, and continue to enjoy, we consider and acknowledge ourselves as children, and the Government of the United States our protecting and fostering parent.

As to the extent of our territorial claims, they are as nearly defined in the treaties of 1821 and 1822, already referred to, as is at present in our power. It only remains for them to be reduced to actual survey by the metes and bounds therein fixed; and by the settlement of the claims of our brethren, with whom we have negotiated, in relation to the United States.

We now come to the *evidence in support* of our claims, which we have stated to be *three-fold: presumptive, circumstantial, and documentary*. We acknowledge, in the first place, that, at first sight, it was to be presumed our brethren, the Winnebagoes and Menomonies, would not cede to us those portions of their territory defined in the treaties between us and them, without valuable considerations, in their view equivalent. On the other hand, was it to be presumed that the New York Indians would abandon a good and sure territorial inheritance, in a comparatively mild climate, located in the bosom of a civilized people, whose influence had already civilized us, given us the useful arts of life, instructed us and our children in common learning, and in the christian religion, and put us in a career of improvement, which bid fair to vie with the common progress of civilization among our white neighbors, and appreciating so highly, as all our people do, these advantages, and these privileges, and wishing to avail ourselves of all their benefits, was it to be presumed that we would abandon such a certain inheritance, for an uncertain; that we would remove from lands so fertile, and from a climate so mild, to this cold and sterile region; that we would sacrifice such privileges, cherishing them dear as existence, for the great disadvantages of our circumstances here; and that, too, without an indemnification, without something prospectively equivalent? Was it to be presumed, that we would exchange territory for a less exclusive and less sure title? Was it to be presumed, that we were willing to return to the savage state, and to the hunters' life? On the contrary, is it not known and settled, that all our dependence and hopes are fixed upon the intellectual and moral improvement, upon the regulations and arts of civilized life? When our attention was first directed to Green Bay, and when we commenced negotiation with our brethren here, the territory was *theirs*; and we disclosed to them distinctly our purposes and plans to have a fixed habitation, a territory which we could call our own, to cultivate the arts and refinements of civilized communities; and it was then altogether in their power to refuse us an admission and a place among them. We came also under the patronage and instructions of the General Government, with official letters of introduction and commendation from under their hand; those documents declaring our purposes, and explaining our views. We received the strongest and most solemn assurances from our friends in the State of New York, private and public, and from the General Government, that we should be assisted in every possible manner, and protected in the accomplishment of our designs.

It is possible, indeed, that some of our brethren did not fully understand our views. But, it is not true, that all convenient methods were not used to *make* them understand. We had no motives to be wily, or to employ insidious measures; for our own people as a body, did not wish to come here, and would willingly have been prevented. But we were compelled by extraneous influence—by the interest and policy of white men, both *in*

the Government and *out* of the Government; and it was to gratify them, and not our people, that we came.

And now, brothers, judge ye! Let the candid, let the world judge, from the probabilities and presumptions of the case, whether we would have left our inheritance in the State of New York, for an insecure abode in this inhospitable region?

What we denominate *circumstantial* evidence in support of our claims, are, first, the moral and confidential considerations named by the Winnebagoes and Menominies, during the negotiation, but not reduced to record; and next, the current and well known remarks upon the treaties, after they were concluded.

The Menomonies distinctly stated, at the time of negotiation, in 1822, as reasons not only why they were willing, but desirous, to have us come among them, in terms equivalent to the following: "You, brothers, know the ways of the white people better than we do; you know they always want more land: that when a white man puts his fingers upon our lands, he has long nails, and they go deep, and it is hard to get them out. You have had sad experience, that is true: you have told us the white people have got your lands, and you have come to seek an asylum among us; for which we are glad that you thought of us. Now, brothers, it is for this reason we have agreed, at your request, to let you have more lands, according as you asked the other day. And so, brothers, you will help us keep off the white man."

We then told the Menomonies that, in order for us effectually to keep off the white man, they must give us a title, to which they agreed, as it is expressed and bounded in the treaty.

The territory at first proposed by us to be purchased, that is, at the opening of the negotiation, was an extension of the former purchase, down Fox river to the *Rapides des Peres*, making in all about seven hundred thousand acres: and this is the territory for which we profess to have paid, the sum being five thousand dollars. The more extended boundaries, actually defined in the treaty, were fixed at the voluntary instance of the Menomonies, for the confidential considerations above-named; in consequence of which a *tenancy in common* was agreed upon between the parties, as specified in the treaty.

The other portion of the circumstantial evidence consists in the current complaints of the French people, and in the consequent remarks of the Menomonies, soon after the treaty of 1822. The latter reported those complaints; but, notwithstanding, expressed their own satisfaction at what they had done, and the common understanding of the terms of the treaty accorded substantially with the facts.

All this we regard as a testimony of a character deserving great weight, and would probably be conclusive with disinterested minds. For the *documentary* evidence, brothers, we have only to refer you to the treaties themselves.

We are aware the Menomonie nation are said not to have been fairly represented in the negotiations between us and them; to which we think it sufficient to reply, that when this question was under a sort of judicial process before the commission of 1827, it was then proved, that all the men who signed the treaties with us, were chiefs and principal men of the nation, except *two*, whose claims, as such, were contested between themselves, ra-

ther than challenged by others; of course, one of these was doubtless entitled to the office.

Besides, the authority for the council was the highest possible, directly from the Government; the Menomonie nation were duly notified, as is customary in such cases; *all* attended who were pleased so to do, and we have no reason to suppose there was any dissatisfaction at the time, as a reason why any did not come; and the accordance of those who were present to our proposals, was cheerful; and all the dissatisfactions, which have since arisen, have proceeded from disturbing *causes without*; and, but for the introduction and operation of those causes, we might till now have been in perfect harmony, both with the Menomones and Winnebagoes.

We have a few remarks, brothers, to make on the treaty of *Butte des Morts*, of August 11th, 1827; and here, brothers, we must not only declare ourselves *aggrieved*, but we are obliged to confess our *astonishment*. We *are astonished* that such an irregularity should be authorized by the President of the United States, and *aggrieved* that such a violent aggression should be made on our rights. We should be glad to be certified, whether the commission for this negotiation was not issued by Mr. Adams, in ignorance of *our treaties*, as authorized and approved by his predecessor; inasmuch as the treaty of 1827 disregarded entirely the former treaties, and negotiated for the United States parts, and the most valuable parts, of the same territories which we had purchased, and which was in the first place authorized and afterwards approved by the President of the United States; and no congressional, no official act whatever, of the Government had ever in any form challenged or questioned the validity of our purchase. What right, then, brothers, we demand, had even the President of the United States to disregard and even nullify the official and solemn acts of his predecessor?

That decorum and common respect, which one public officer owes to the official and confirmed acts of another, ought surely to have arrested this proceeding, at least till the validity of the treaties of 1821 and 1822, if questioned, had been determined by the proper authorities. It will not, surely, be maintained that these treaties were void, because they were not ratified by the Senate of the United States; for this rule applies only where the Government is a party. Mr. Calhoun, Secretary of War, expressly says to us, in an official communication, "Your treaty with the Menomones and Winnebagoes is approved by the President, which is *all* the ratification which is necessary, as those treaties only to which the United States are a party, require the addition of the sanction of the Senate." And even admitting that the President and Secretary of War were erroneous in this opinion, and irregular in this act, (which we cannot suppose,) still when we had been so notified by the official organs of Government, and rested upon it, should another President, our father, take such advantage of us, his children, as to appoint a special commission to take away our lands—lands obtained and sanctioned by such authority? And then, again, how could the Senate of the United States ratify such a treaty? By some means, however, through the kindness of Providence, it seems they got a *glimpse* of our previous negotiations, respecting the same territories, and have inserted for us this saving clause: "*Provided*, that the said treaty shall not impair or affect any right or claim which the New York Indians, or any of them, have to the lands, or any of the lands, mentioned in the said treaty." One of two things is doubtless *true in law*; *either* the treaties

of 1821 and 1822, or the transactions of 1827, are invalid. The *first* cannot be so, even admitting the truth of all the objections which are alleged against them; because they are formal and solemn covenants between the parties named in them, duly and thoroughly executed, authorized, and approved by the President of the United States. And even though there *were* sufficient reasons why they should not remain in force, their validity, as seems to us, cannot be disturbed by any thing but a decision of the proper court of adjudication, or by a special act of Congress. Consequently, the treaty of 1827, negotiating the same premises, was not only irregular, but is null and void; and that, notwithstanding its formal ratifications, *null* and *void*; we mean so far as its negotiations interfere with those of 1821 and 1822. The more we have examined this matter, the more have we been afraid of some moral wrong, unknown to Government, lurking under the premises on which these transactions have been founded. We find that this treaty had not been authorized by Congress, as, if we mistake not, is customary in such cases, and that no appropriations had been made for the object. What occasion for such urgency? A great stretch of power, and a fearful responsibility, we apprehend, must have been assumed somewhere; and shall we add, what we should be most happy not to be obliged to feel assumed for the purpose of wresting from us violently our sole inheritance.

Thanks to the great and good Spirit for his overruling providence, which has subverted these designs, and still left us a *gleam* of hope, that our cause, in its true and proper light, will yet come before our father, the President, and before the supreme authorities of the nation. And thanks to you, brothers, for the errand on which you have come, and for your kind assurances of a willingness to hear us, and fairly to represent our case. We have a word more to say upon your letter of instructions. It is this—if our father, the President, has supposed (as our construction of his letter have led us to fear he has) that we have made an unconditional and final submission, so as to bar us from all appeal, we beg leave to say that we have not intended to be so understood; and this, not at all to express a want of confidence, but only to correct an error, if such an impression has been received. If a satisfactory compromise can now be effected, it will give us the greatest pleasure to unite in a joint submission to the decision of the President, *as final*.

Brothers, we take this opportunity to express our utmost confidence in our father and in you, his commissioners, and our hope that, by your advice, influence, and mediations, we may yet be able to come to such compromise with our brethren, the Menomonies and Winnebagoes, as to unite with them in a joint submission of our agreement for the approval of the President.

We would not, brothers, forfeit your good opinion, nor risk the judgment of a candid and generous public, by showing our unwillingness to make sacrifices for the sake of peace; and we assure you that any overtures for compromise, approved by you, and likely to be accorded to, through your mediations, by our brethren, the Menomonies and Winnebagoes, from whatever quarter they may come—unless, in our opinion, they impose upon us a flagrant injustice, and disappoint our most reasonable hopes—shall claim our most serious consideration. We have great confidence in your ability to effect such an arrangement. We are unwilling to remain longer under such a cloud, to see our families and our people dejected under

the doubtfulness of their prospects, their courage subdued, and their former confidence in the repeated and solemn assurances of protection and patronage from the Government, almost annihilated.

Give us, brothers, a home, and we will bless you; and our children will bless you, and we will pray God to bless you. You have told us, brothers, in your letter, that "our interests are deeply concerned in these deliberations," which, indeed, we feel. You have sent us a copy of your letter of instructions from our father, the President, and told us "to read it, and think well on what he has said, and to be prepared to give an expression of our feelings and opinions fully made up." We have endeavored to do so, confiding in your candor and generosity of feeling, that you will not regard us as wanting in deference to our superiors, for a free and manly expression of our sentiments.

You have declared yourselves "disposed to do us full justice, and to enter into our wants and sympathies with entire sincerity;" which, brothers, permit us to say, has greatly endeared you to our hearts. You have also assured us, that "the feelings of our father, the President, are altogether kind and parental towards us." Brothers, we accept this assurance with implicit confidence, and with grateful affection. Brothers, may the great and good Spirit preside over all our deliberations, and give to all concerned a mutual good feeling towards each other, kindness, and impartiality, and a wisdom that shall guide this council to the most desirable results.

Brothers, we have no more to say at present.

GREEN BAY, *August 28, 1830.*

The council met, as yesterday, the chiefs of the Menomonie, Winnebago and New York Indians in council.

Daniel Bread, one of the Oneida chiefs, arose and addressed the commissioners as follows:

Our brethren, the Menomonies and Winnebagoes, asked us yesterday what we wanted; to which we have only to reply, that we want *peace* and *good will*, and we present the following overture for that purpose.

The New York Indians, as a proof of their sincerity, in their declarations of yesterday of a willingness to make sacrifices for the sake of peace, and to come to an amicable adjustment of the differences between them and their brethren, the Menomonies and Winnebagoes, do hereby consent and covenant, to be satisfied with the territory defined as follows: Assuming as a base, the upper or southwest line of, as defined in the treaty 1821, crossing Lake Winnebago at the rapids or outlet of its waters; bounded on the northeast, or lower side, by a line crossing Fox river at the *Rapides des Peres*, (or lower rapids) running parallel with the upper line as above described, until it intersects, on the northwest, a line drawn at right angles with this and the upper boundary, and passing through a point, distant thirty miles from the foot of the Grand Kakalin, this distance being measured on a line from the foot of said falls, parallel to the upper and lower boundaries as above described. On the northwest, bounded by the line last described, thirty miles from the foot of the Grand Kakalin, and at right angles with the upper and lower boundaries; on the south east, bounded by a line drawn parallel with the general course of the river, between the upper and lower bounda-

ties, and fifteen miles distant from the said general course, and as much further as the Menomonies and Winnebagoes have claimed. It being understood that the upper and lower boundaries are to run either way from the river, till they intersect the northwest and southeast boundaries above described. It being also understood, that if the settlement of the Oneidas on Duck creek shall be *without* these boundaries, a piece shall be added so as to include that settlement, built upon the point making the fork of the two streams, between which the settlement now lies, by the following rule, bounded by parallel lines at right angles with the northwest boundary, five miles asunder, and equi-distant from the forks, or point above-named, running till they intersect another line, parallel to the northeast boundary, in a direct line down Duck creek, from the fork or point above-named. The northeast boundary from Duck creek settlement is, in any case, to fall three miles below the forks herein-named.

The commissioners directed Mr. Conner to inform the Winnebagoes and Menomonies, that they (the commissioners) wished them to take the above proposition into consideration; and if they would not allow the whole, to say how much they would allow them, and give an answer as soon as convenient; also to request the interpreter to inform the chiefs that they might send their young men, women and children home; that they would be allowed two days' provisions; the chiefs *only* being requested to remain. The council then adjourned to meet in the afternoon.

The council having met, pursuant to adjournment, *Kansh-kaw-no-mew* alias Bear's Grease, the *Menomonie* CHIEF, rose, and addressed the commissioners as follows:

Fathers: we do not doubt but you are sent by the President, and we are glad to see you. *Fathers*, you know our lands are small. We do not know why our great father sends you here. Our father, the President, well knows that we occupy the smallest section of land of any Indians in the country. It appears the President has sent the New York Indians to take a section of the small country we inhabit. I speak, but I represent the whole nation; and our friends, the Winnebagoes, are of our opinion. *Fathers*, as our recollection is short, we cannot speak long; we will sit down, and let the Winnebagoes speak; after they have spoken we will rise again, to let you know how much land we are willing to let the New York Indians have.

Hoo-whoop, alias *Four Legs*, the Winnebago chief, then rose, and addressed the commissioners as follows:

Fathers: we are not ignorant of your business. We know you are sent by our great father to arrange this business. We know that we have but little ground, and we are surprised that the President of the United States should send so many people to occupy the small space we own. We know well that we cannot object to the old cession, but we can go no further. The Menomonies and I have agreed what to set off to the New York Indians.

Josette Carron, a *Menomonie* chief, next spoke.

Fathers: you that are sent by the President of the United States, and you all that are here present, know well, that there is but one Supreme Being that is able to put us on the land we now occupy.

Fathers: when we have said one thing, we do not want to say another in order to entrap ourselves. I extend my hand towards the President, as though he was near at hand. We *grant*, commencing at a small island above the Grand Kakalin, from thence running up to the Little Butte des

Morts, on the northwest side of the river, and running back two days' journey, for a man and his family, (about thirty miles.)

Four Legs, the Winnebago chief, spoke again.

Fathers: we acknowledge you are sent by our great father, and that is all the land we can grant the New York Indians.

Shorenk-tshunk-siap, alias *Black Wolf*, a Winnebago chief, rose and addressed the commissioners as follows:

Fathers: God knows, but we have this country to live in; but we are willing to give the land above-mentioned to the New York Indians. I speak before my God and this company, that our young men, women, and children, as well as the Menomonies, are willing to cede that much land to the New York Indians.

Four Legs, the Winnebago chief, spoke again.

Fathers: it must be well understood, to be but two days' journey back, for a man and his family. That the New York Indians must move on to the lands now granted. He reserved the benefits of the river; said that the reason they gave them so far back, was that they might have the privilege of the bank of the river.

Josette Carron, Menomonie chief, again spoke.

Fathers: all that the Winnebagoes have said, we accede to; and as we have nothing more to say, we sit down.

General Root then asked them what should be done with the Oneidas on Duck creek. Their answer was, that they must move on to the lands just given.

Adjourned.

GREEN BAY, *August 29, 1830.*

The board was occupied this day, in examining Mr. Ellis's map, and selecting the boundaries for the New York Indians.

Adjourned.

GREEN BAY, *August 30, 1830.*

The board met, and received the following communication from the chiefs of the New York Indians:

GREEN BAY, *August 30, 1830.*

The New York Indians, having received intimation by private and bona fide conversations with the commissioners, that it might be of service for them to make another concession still, wish it to be distinctly understood that it is only with the hope of a final adjustment of differences now, and with extreme reluctance, that their chiefs in council have agreed, that they will relinquish ten miles from the northwest side of the tract defined in their last overture; on the southwest side of Fox river, they will relinquish the tract cut off by a line drawn from the lower extremity of Blackbird island, in a southeasterly direction, parallel with the lower boundary, as last described: *Provided*, their tract on the northwest side of the river be so extended, as to em-

brace all the land falling within the following boundaries, to wit, the extension of the northwest boundary, as herein fixed, northeasterly, in a direct line, till it intersects another line drawn from the mouth of Duck creek, northwesterly parallel with the former upper and lower boundaries; thence, along the said line to the mouth of Duck creek; thence, from the mouth of Duck creek, along the margin of Green Bay, to the claims already confirmed, as defined on the map drawn by Mr. Ellis for the commissioners at this time; thence, following the rear of those claims, as defined on said map, till it strikes Fox river; it being understood, that this offer is not hereafter, in any case, to be construed to the disadvantage of the former claims of the New York Indians; provided the result aimed at in this overture, shall not be accomplished.

Per order of the chiefs of the New York Indians.

P. W. H. AUGUSTINE.

After consulting with respect to the boundary of the New York Indians, the board adjourned.

Boundary lines of the location of lands to the New York Indians, as established by the honorable Erastus Root, James McCull, and John T. Mason, commissioners for the United States.

Beginning at a point on the northwest line of the cession by the Menomones to the United States, by the treaty of Little Butte des Morts, in August, 1827, due west from the mouth of Duck creek, emptying into Green Bay; thence, running east, to the mouth of Duck creek aforesaid; thence, southwesterly, so as to leave the most easterly improvement of the Oneida settlement on Duck creek to the northwest of such line, till it intersects the aforesaid northwest line of said cession, by the Menomones to the United States; thence, southwesterly, on said last-mentioned line, to a point north 40°, west from the mouth of Plum Creek, (on the east side of Fox river;) thence, south 40°, east to the bank of Fox river, and opposite the mouth of said Plum creek; thence up and along the bank of Fox river, to the Little "Butte des Morts," so called; thence, north 45°, west far enough to make a triangular piece of land, by drawing a straight line from such a point in this last described course, to the place of beginning, as shall contain, within these said boundaries, 275,000 acres, excluding these from all private land claims within the same.

Also, on the east side of Fox river as follows, (to wit:) Beginning at the foot of the rapids of the Grand Kakalin, running thence up and along Fox river to the "Little Chute," and extending back from Fox river on this width 2½ miles south 45°, east far enough to make six thousand acres of land; it being stipulated, that if the Government of the United States will pay the New York Indians, now living at this location, for their improvements, then they are to move on to the opposite side of Fox river.

Also, located especially for the *Brothertown Indians*, as follows: Beginning on the east side of Fox river, a corner made by Thos. Dean, near the foot of the rapids, called the "Little Kakalin;" thence, up and along Fox river, to the mouth of Plum creek, extending back on this width, south 45°, east far enough to make twenty thousand acres of land. It is further understood, that an equal quantity of land with that contained in the foregoing descriptions, and comprehended in the cession of the Menomones to the

United States, at the "Little Butte des Morts," in August, 1827, shall be taken from the lands on the east side of Fox river, between the Grand Kalkin and Winnebago lake, between parallel lines, running at right angles, from the southwest line of said cession at the "Little Butte," to Winnebago lake.

GREEN BAY, *August 31, 1830.*

The board met as usual, when the following reply to the communication of the New York Indians of the 30th, as proposed by Mr. Mason, was objected to by Gen. Root and James McCall, esq.

The commissioners have received the communication from the New York Indians, dated on yesterday, and think it proper to state, that in the interviews had with them the chiefs must have mistaken both the purport and object of the conversation, if it be supposed the commissioners held out the remotest idea of a desire to obtain concessions from them of any rights they may claim. Such subjects do not come within the sphere of the commissioners' duties. They have their instructions as a guide for their course, and the design of communicating to them those instructions, as well as that of the conversation on yesterday, was to draw their attention to the fact, that the quantity of land to be assigned to them, by order of the Government, is determined by the repeated declaration that the New York Indians are to be considered as an agricultural people, and land is to be allotted to them according to *fixed and reasonable agricultural limits*. And feeling, as they do, an anxious desire to accomplish the objects of the Government, the commissioners wished and hoped that the New York Indians would meet the views of the Government, and enable the commissioners to proceed satisfactorily to the parties concerned.

The commissioners also proposed to locate separate tracts to such of the tribes as would express a desire to have it done agreeably to the instructions of the Government; and they repeat their readiness to do so. To this proposition they have received no answer, and request that one be given.

They also request an answer to their note of the 27th, inquiring into the number of the New York Indians, to be given as accurately as their present state of information will enable them to do.

The following is a copy of the information asked, with respect to the number of the New York Indians, above alluded to.

"The commissioners wish to be informed, by the New York Indians, what number they consist of, enumerating according to each tribe claiming lands at Green Bay, and designating the heads of families; and the men, women, and children of each family; also, what number have moved, and what are yet in New York?"

Adjourned till afternoon.

This afternoon the commissioners met the chiefs of the Winnebago, Menomonie, and New York Indians in council, when they were addressed by General Root, as follows:

Children of the Menomonie nation: the commissioners are very sorry to hear that one of the bad soldiers of the garrison has stabbed one of the Menomonies. The commissioners sent to the great captain, at the garrison, to inform him of the bad deed. The great captain sent word to the commissioners that he had put the bad soldier in prison. The great captain was very

sorry, and said the soldier should be punished. He hoped the Memononies would be satisfied; it was not the fault of the officers; that the bad soldier had been taking strong water, but he should be punished.

The commissioners are much pleased at the moderation of the Menomonie chief, (*great soldier*,) in not killing the bad soldier, as he might have done.

At one time the Menomonies and Winnebagoes owned all this country; but have since sold a part to the New York Indians; they let their New York brethren come in to own a share with them. Where the Menomonies and Winnebagoes had wigwams and corn-fields, the New York Indians were not to disturb them; and so on the other hand; and three years ago, the Menomonies sold to the United States a strip of land on each side of the Fox river. At that time they agreed that their great father, the President, might set off a portion of land to the New York Indians; at the time they sold the land, the commissioners took it down in their book, and sent it to their great father, that he might know what to do in the business. Your great father has accordingly sent us, his commissioners, to set off a portion of land to the New York Indians. Our great father has told us to set off, so as to do justice to all parties, we have tried to have them agree, so that all parties would be pleased; and then, their great father would be satisfied. As they have not agreed among themselves, the commissioners have concluded to set off as we will show them on the map; and we hope, after they have examined it, that all parties will agree to the division.

Bear's Grease, the Menomonie chief, then rose and addressed the commissioners as follows:

Fathers: I hope you will hear what I have to say in representing the other chiefs. It is not unknown to you that the Indians in this country are depending upon their rice harvest. We have already told you how much land we are willing to give to the New York Indians, we will not give an inch more. We think we have been very considerate to give so much; but it was to please our great father. The wild rice is pressing on us; we all go to-morrow. When we heard that our great father wanted to see us, we left our canoes on the stocks, and now we have no canoes to get our rice with. Father, we cannot complain; you have fed us well with pork and flour; but we have no broth with it. This is all we have to say.

Four Legs, the Winnebago chief, then rose.

Father: if you will hear, I will speak. I will not do any more than the Menomonies have done. We all agree to give that much, and no more. I cannot deviate from the Menomonies; what they say, I agree to. The Menomonies have said truth about the rice; if we neglect it, we shall starve. We are willing to let the New York Indians have the land we mentioned, but no more. They must not cross the lines. If they take what is offered, *well*; if not, no more will be given. As the President has sent you, you may go back and tell him what I say.

The commissioners directed Mr. Conner to say they would meet to-morrow, on the other side of the river; when the council adjourned.

GREEN BAY, September 1, 1830.

The board met the chiefs of the Menomonie, Winnebago, and New York

Indians in council, when *John Metoxen*, principal chief of the New York (Stockbridge) Indians, rose and addressed the commissioners as follows:

Brothers and Friends: listen to a few words I have to say. You of the Menomonie and Winnebago nations, I am glad to see you together to-day. I thank the Great Spirit, also, for giving us light, that we may see each other. I am glad, also, that we have seen each other in peace before the commissioners, whom our great father, the President, has sent to arrange our affairs, for the interests of all. Now, brothers, I am glad of one thing, that our covenant friendship is still good, and I hope it will remain so. But brothers, with respect to one thing, with reference to our brothers, the commissioners, I regret I am not satisfied with it. Brothers, I should have been very happy if this business had been settled between us brother Indians and the commissioners. But I see it cannot be. But, brothers, I still wish that the covenant friendship which we entered into, some years since, may continue. Brothers, I take this opportunity to show you the custom of my forefathers; that when they make an arrangement they always keep their word; and I am determined to do the same. Now, brothers, I hope our Great Preserver will take our concerns into his own hands, and *he* will do what is best. Brothers, under this, I hope we shall always meet in friendship. For my part, it shall be so with me. I have no more to say.

Bear's Grease, the Menomonie chief, then spoke:

Fathers: you heard yesterday what we had to say; it was in behalf of all; you will hear no more from us. Fathers, it is now ten days since we have been together in council; we are of one mind; we have not two mouths; we have always said but one thing.

J. D. Doty, esquire, then rose, and offered the following address, in behalf of the Menomonie nation.

The counsel of the Menomonie and Winnebago nations of Indians, at the request of the said nations, and by the permission of the Commissioners of the United States, reply to the speeches of the Commissioners and of the New York Indians, for and in behalf of the said nations, as follows:

The commissioners and the New York Indians assert, in their opening speeches, that those Indians have bought this country of those nations, and paid them for it in money and in goods. This assertion those nations showed the commissioners, in 1827, at the Butte des Morts, was false; and it is equally so now. In support of this, they ask leave to refer to the testimony recorded on the journal of those commissioners. They then said (and so did the persons with whom it is asserted these purchases were made, as also the New York Indians then present, who did not understand the English language,) that at neither of those treaties of 1821 and 1822, were the chiefs of those nations present; nor did the persons then there pretend to act *for* them or for their nations, and they signed without the knowledge of either; that the "metes and bounds" described in those treaties, were not made known to those individuals: but their permission was asked, and they gave it, for the New York Indians to sit down upon and cultivate the land, from the foot of Grand Kakalin, to the foot of the Little Chute. And it is apparent, that this was clearly the understanding of the New York Indians; for they first settled upon this very spot: and, until lately, have confined themselves within those limits. But with this broad denial of any *right* of the New York Indians, as acquired from these nations to the country from

Lake Michigan to the Wisconsin river, and the highlands of Lake Superior, they decline entering into any further discussion upon those treaties, as the President has declared, in his instructions to his commissioners, "that he esteems it proper to waive any decision upon the question of the validity of the compacts of 1821 and 1822."

The President also says, he "has determined to accommodate the New York Indians under the privilege given him to do so, by locating a country and establishing such boundaries between the parties as may be equitable and just." It was for this purpose that the commission was instituted, and not to ascertain *rights*, under any pretended compacts with the Menomonies and Winnebagoes.

The first demand now made, by the New York Indians, of a country to be set apart for them to inhabit, as *agriculturists* and not as *hunters*, is estimated to be at least one hundred and forty miles long and seventy-five in width, and to contain at least six million seven hundred and twenty thousand acres, which, at the sum which they insist they paid in goods, will be at the rate of *one half mill per acre*, and of two thousand eight hundred acres for every soul which it is even conjectured will remove from the State of New York.

Treating this demand as altogether ridiculous, those nations have inquired, in council, of the New York Indians, whether they could not consent to make a more reasonable request than of the whole Menomonie country? To this they have replied, that to evince their disposition to preserve peace by *making a great sacrifice*, they will be *satisfied* with a tract which is traversed by Fox river, with a perpendicular breadth of twenty-seven miles, and extending to the northwest thirty miles, and to the southeast fifteen miles, and as much further in that direction as the possessions of the Menomonies extend. The least quantity which is contained in those limits is seven hundred seventy-seven thousand six hundred acres; for which they say they have paid, as above stated, the sum of three thousand nine hundred and fifty dollars in goods, which is equal to *five mills* per acre, and three hundred and twenty-four acres to every soul.

To this it is replied by those nations, that this tract is larger than they can separate from their hunting grounds in this part of their territory; that it embraces many of their encamping grounds, villages, rivers, rice-beds, and corn-fields; that it is more than the New York Indians can cultivate; that they do not require it, therefore, to make themselves comfortable; while the Menomonies and Winnebagoes do, for their territory is already so small that many packs of beaver are they now compelled to pay, annually, to the Indians west of the Mississippi, for leave to hunt only two months of the year on their grounds. And that this privilege has already cost them more than the sum which the New York Indians have paid for this whole country.

"But," say those nations, "since our great father, the President, has commanded us to receive these men and give them a home, we consent to yield to them for *this reason*, the only portion of our country which we wished to part with for *no consideration*. We should not deem ourselves poor if we were as well dressed, however, as our brothers from New York; and we think, from their appearance, they must have sold *their* lands for a *good price*. 'If the whites have long nails, when they put their hands upon our country,' our brothers' nails appear to be a good deal longer.

"The country we now offer them, and if they accept of this, they must

give up all claim to every other part of the country, (since they are dissatisfied with what we gave them at the Butte des Morts in 1827,) *is* from the head of the rapids of the Grand Kakalin to the Little Butte des Morts, bordering on the west side of Fox river, and bounded by lines running west from these places, two encampments, or thirty miles."

This tract contains more than one hundred and forty-four thousand acres, which if it be admitted that the New York Indians have *truly paid* the sum claimed to have been paid by them, will then cost them at the rate of *two cents and eight mills* per acre, and may be divided sixty acres to every soul.

It is neither equitable nor *just*, that as agriculturists they should require more land *for this consideration*. If they were to be provided for as *hunters*, it is admitted that a different principle would govern. In negotiation for the purpose of transferring them from one country to another, they estimate the value of a country by the quality of its soil, and the number and power of its water courses, rather than by the game which swarms over it; or by its wild fruits, or by the fish which may be taken in its waters.

All who are acquainted with the history of the Menomonies are aware that they have been compelled to seek new hunting grounds west of the Mississippi. It is manifest they cannot, without yielding themselves up to starvation, surrender any part of their own country to another tribe, for the purposes of hunting its game. The New York Indians are not here, in the view of the Government, in the *double capacity* of husbandmen and of hunters. It has claimed them in New York as a civilized people; and it has never intended to change their character, and return them to the hunter state.

Let the commissioners look at the parties, as they now stand before them, and can they say they are equal? Let them turn to their speeches, which are recorded, and do they not perceive, on the one side, a learned cunning, even *too* acute perhaps for its own purposes, which attempts to render the line obscure between civilization and barbarism, and then demands to be informed, whether this party or their neighbors are on the right side; which, in one paragraph, claims the protection of the Government as barbarians, and again, in another, they have advanced so far in the path of civilization as to have overtaken the white man; which claims, that they came here as agriculturists, and speedily on their arrival became entitled to all the rights of a savage people; made bargains as civilized men, and asked their confirmation as untutored Indians; and which, in addition to all this, discourses most ingeniously of doctrinal matters, and questions of national law, upon the traditions, it is presumed, of the Iroquois tribe.

It appears to be doubtful, whether the number of Indians, which it is now stated will remove from New York, is not greatly overestimated. It is not deemed *just* that these hunting grounds should be given up to a body of men who may never take possession of them; and it certainly is not, if they should be allowed to pass into the hands of a few civilized Indians undivided; for, it seems they are to be owned by those *who remove* from the State of New York. If they are the property of tribes which do *not* emigrate, this proceeding is unjust, because unnecessary for their welfare.

The proposal, however, of the Menomonies and Winnebagoes, is rejected by the New York Indians; and, thereupon, the commissioners demand of them, if they will accept of a tract on the east side of Fox river, bounded in front by said river, and extending from the Little Kakalin to the mouth of

Plum creek, for the *Brothertown Indians*, amounting to 20,000 acres; of another tract at the Grand Kakalin, now occupied by the Stockbridge Indians, amounting to 6,000 acres; of another tract, bounded by the river, from a point opposite to the mouth of Plum creek, to the Little Butte des Morts, thence, 16 or 17 miles northwest; thence, to a point on the United States' line, west of the mouth of Duck creek; thence, to the said mouth; thence, on a line to pass the Oneida settlement on Duck creek, leaving it to the north, until it intersects the United States' line aforesaid; thence, along that line, to the point west of the mouth of Plum creek; and thence, to the mouth of said creek: the last described tract to contain 250,000 acres.

To this the New York delegates reply that they will not; and the Menomonies and Winnebagoes say they will not give one inch more than what they have already offered. The quantity offered is more than enough to supply all the New York Indians who are here, and after they have settled the whole of this tract, if there are any more who are unprovided for, perhaps enough can be found for them. The United States can give it, if these nations cannot. If the whites have been unjust to those tribes in New York, as *they* say, this is by no means a reason why the United States, in its attempt to repair this injustice, should with its strong arm take from the tribes in this country their possessions without right and without remuneration.

J. D. DOTY.

GREEN BAY, *September 1, 1830.*

After the foregoing was read, *Four Legs*, the Winnebago chief, rose and addressed the commissioners as follows:

Fathers: It has been with great satisfaction that I have heard the commissioners; but I have lost one of my young men at Winnebago lake, and am sad. Why should I answer all the questions that are asked me? The Great Spirit is not now making the earth; when he did, he made the Indians on it. I told you on the other side of the river what I had to say. When the New York Indians first came to this country, I did not sell my land; I lent it to them. They said, "we do not want much of your country, but a little to sit down upon." Finally, I agreed that they might have a small quantity of land to plant corn, and get a living upon. The goods that were received at Butte des Morts were not enough to make each a breech-clout. The goods I considered *given* by our great father, the President, not by the New York Indians. It is for this reason I have not answered all the questions. We were promised other things, by way of thanks, but never received them. We cannot grant any more land—any more than we did the other day.

The commissioners then directed Mr. Conner to inform the chiefs of the Menomonic, Winnebago, and New York Indians, that the council is this day dissolved.

COLUMBUS, O., *September 25, 1830.*

DEAR SIR: This morning I received the enclosed petition, and a letter from the chiefs, urging me by all means, on the receipt of their memorial, to forward it to the President, and to request him to pay early attention to their prayer, and to state their true situation to him—that they must suffer the approaching winter, if they are not removed, or some provision furnished them.

Since these Indians made up their minds to remove, they have almost totally given up farming and hunting, and they are really in a destitute situation for the necessaries of life.

These Indians, I understand, have an idea I neglected to forward their former application; this is unpleasant to me and injurious to them. It would be pleasing, if it is not asking too much, if a few lines were forwarded to the chiefs, acknowledging the receipt of the former as well as the enclosed memorial.

I remarked, in a former letter, that I knew not who to address on Indian affairs, nor his title; all which I wish to be made acquainted with. The last letter received, was signed by Mr. Hamilton, but I do not know that he is at the head of Indian affairs.

I am, &c.;

JNO. McELVAIN,
Indian Agent.

Col. S. S. HAMILTON.

IN COUNCIL, SENECA VILLAGE, *September 22, 1830.*

Our great father is again requested to give his red children his ear. They sent to him a year ago their application, informing him of their desire to dispose of the reservation on the Sandusky river, in Ohio, and their wish to go away beyond the Mississippi. They have received no answer to their request. They are fearful that their great father has not been made acquainted with their wishes. His red children are now more anxious than ever to emigrate. They wish to exchange their lands here for others on the west side of the Mississippi. The game is destroyed around their lands in Ohio, and their young people are daily learning bad habits from the white people. They, therefore, wish to leave this country as soon as their great father will allow them to exchange their lands, and give them the means of departing for their new home. They will there have some hope of reclaiming such of their children as have fallen into bad habits, and be more likely to prevent their young children from contracting similar ones.

Father: your red children request that some person may be sent to them, to counsel concerning the exchange of their lands for other lands in the west; or should our father think proper to permit his red children to come on to see their great father, and send them word, they will come on and see their father's face, and treat with him for their new country, which he will give them beyond the Mississippi.

Father: your red children know that you are a great warrior. They know that you are just and wise in council, and they believe that you love your red children, and will give them a kind answer. Your red children will wait patiently until their father shall send them word.

Father: we thank you for appointing our good brother, John McElvain, our agent; he is very kind to his red friends, and gives them good advice.

Father: your red childuen sincerely wish that you may live very long and be always well, and may the Great Spirit now and hereafter bless you.

CORNSTICK, Chief, his x mark.

SMALL CLOUD, Chief, his x mark.

SENECA STEEL, Chief, his x mark.

TALL CHIEF, Chief, his x mark.

CURLEY EYES, Chief, his x mark.

CRACKED HOOF, Chief, his x mark.

CAPTAIN GOODHUNT, Chief, his x mark.

WIPING STICK, Chief, his x mark.

NIMBLE JIM, Chief, his x mark.

THOMAS BRANDT, his x mark.

CAPTAIN SMITH, his x mark.

JACOB NICELY, his x mark.

JOHN SKY, his x mark.

HARD HICKORY, Chief, his x mark.

POWLUS BRANDT, Warrior, his x mark.

LITTLE TOWN SPICER, Warrior, his x mark.

DOCTOR THOMAS, Warrior, his x mark.

BOWLUS, Warrior, his x mark.

THOMAS GREEN, Warrior, his x mark.

HENRY C. BRISH, *Assistant Agent.*

MARTIN LANE, *Interpreter.*

TO ANDREW JACKSON, OUR GREAT FATHER,
President of the United States.

CANTONMENT GIBSON, *September 26, 1830.*

SIR: I have to acknowledge the receipt of Colonel McKenney's letter of the 6th ultimo, (enclosing an extract from Governor Pope's of 14th July, relative to Indian intruders,) which shall be duly observed. I deem it my duty to apprize the department of the decease of Major Duval, late agent for the Cherokees; and under the impression that the lamented event may possibly produce some delay in obtaining some portion of the information requisite to enable me to ascertain, with precision, the exact state and condition of the affairs of the agency, I have to request that the department may furnish me with all the information relative thereto, which may have been communicated by my late predecessor, touching the issues of rations to emigrants, &c., and the adjustment or payment of claims, together with such other information as may be deemed necessary, to enable me to see what has been done by the late agent, that I may, with more certainty, ascertain what yet remains to be done, under the provisions of the treaty.

The state and feeling of the parties amongst the Cherokees here, induces me to recommend in the strongest terms the employment of an additional interpreter; the dictates of policy forbid the dismissal of the former one, and the true interests of the service render the employment of the man preferred indispensably necessary. The employment of four is authorized by treaty of Holston.

I would also suggest the expediency of employing, for a short time, the clerk of the late agent; he could, no doubt, afford an essential facility in the investigation requisite to a correct understanding of past transactions in connexion with the unfinished business of the agency; and which I have good reason to believe cannot be well understood readily, without such assistance. Permit me also to suggest the necessity of making an arrangement with the Cherokees, for two sections of land for the use of the agency, as it was omitted in the treaty; and it is deemed most judicious to select a situation near Fort Smith, with a view to check the introduction of whiskey. The place heretofore spoken of is too high up to afford any facility in effecting, by any means whatever, the desired purpose.

I have the honor to be, &c.,

Your very humble and obedient servant,

GEO. VASHON,

Indian Agent, C. W. M.

To the Hon. JOHN H. EATON,
Secretary of War.

Instructions have not yet reached me.

CHEROKEE AGENCY, *September 30, 1830.*

SIR: Enclosed I send you an abstract, No. 6, containing the disbursements made in this office for emigration purposes, and have not been previously reported. The first item for seventy-five dollars, paid to Thomas Starr, an emigrant, was paid on the day of his enrolment; but by reference to the report of the assessors of the 18th of February, 1830, for the fourth quarter of 1829, as you will see that his improvement was valued, and the same is credited on the certificate given by them. No. 4 contains the amount of McCarty and Co., for forty-five thousand rations, and the issuing agent's receipt for them delivered to him, which added to the thirty thousand previously reported, makes seventy-five thousand in all; and I will state that the issuing agent settled with me, and his final settlement shows, that out of the seventy-five thousand rations delivered to him in the two years, he issued seventy-four thousand seven hundred and ninety-five rations, showing a loss of only three hundred and five rations in all, which is easily accounted for by wastage in brine, &c. No. 5 is for seventy boats received of the boat contractors, and the copy of the receipt roll will show the delivery of twenty-six boats to the emigrants; and by referring to my abstract, No. 2, that twenty boats were received of William and John Ellis, and two of John Hardwich, making in all forty-three, one of which got so much wrecked by a freshet that it was found to be cheaper to buy a freighting boat of Mr. Horn, at fifteen dollars, than to mend it, and for that I am yet in debt; and one was bought for twenty dollars and paid for, and delivered to Joel Kirby. No. 6 contains lists of boats, guns, blankets, kettles and tobacco. Vouchers No. 6, 1st, was issued by the issuing agent on orders from me and regularly settled for, and entered on the books. 2d, No 6, was issued by myself and a receipt roll was signed by the emigrants, but many of them so badly written and so much blotched, as to be scarcely intelligible. I have, therefore, enclosed you a copy; you will see that a great portion of them, however, made their mark and chiefly witnessed; but in some instances it was impossible to have a subscribing witness, none being present that could write.

Several partial reports have been forwarded, showing how many of those articles had been delivered up to each time, but I have not learned whether or not I have been credited for them, or any of them. I have, therefore, forwarded this time the entire list; and if any of them have been previously credited to me they can be deducted from the whole, and credit given for the balance. No. 7, Heard and Cook, having all the necessary sub-vouching, (as I believe,) and the charges being what is believed to be customary, I have taken it up, and drawn a bill on you for the amount.

I have also enclosed you an abstract, No. 23, embracing all the disbursements made in this office for ordinary and contingent purposes, in the third quarter of the current year; and an account current in the credits for emigration purposes. I have given the credit claimed by the Second Auditor, Mr. Lewis, so as to make my books correspond with his; but have to request most earnestly that when bills are drawn in my favor, in future, to pay for goods, I may be notified of them and for what goods; and the price of them, as no invoices accompany part of the goods; I mean the guns, and I have yet to learn the price of them; and the only data I have had to come at the price of them is from a letter from Mr. Lewis, in which he charges me with two thousand six hundred and forty-four dollars, and thirty-seven cents, for that sum paid Henry Deringer for two hundred rifles for the emigrants. From the above I have endeavored to come at an average price of them; but the precise price of them, it seems to me, I ought to know, as I am charged with them, and they being delivered by retail, I ought to have credit for them as they are delivered, and to enable me to charge the Government with them. It is certainly necessary that I should know the price, whether all of one price or not; and if not, that I might take an average price, as in the case of the blankets, where large ones are delivered to grown Indians, and the small ones to children. Whilst on the subject of guns, I would remark that Mr. Deringer claimed one of the guns sent to me as being made for Colonel Crowell, on order, and put into one of my boxes by mistake. The gun has been sent on to Colonel Crowell, and, on settlement with him, I have to request that you discount out of his accounts the price of one, and credit me for it.

I have forwarded you no estimate for the next quarter, as one was forwarded with my last abstract for the four quarters of the present year; and hope I will be excused for again reminding that we have received nothing on account of salary for the current year, as the two quarter salaries received last spring were due for and applied to the payment of the third and fourth quarters of 1829, which were until then due.

Very respectfully,

Your obedient servant,

H. MONTGOMERY.

HON. JOHN H. EATON,

Secretary of War, Washington City.

AT CAMP, NORTH OF CANTONMENT LEAVENWORTH,

September 30, 1830.

SIR: I have been some weeks engaged in the surveying of the Delaware lands. It will probably be December before we can get back to white settlements. A chief chosen by the Delawares has been with me several weeks. I could not prevail on him to stay until the completion of the work.

I have, however, obtained the requisite certificate. His nation are anxious to remove to the new country immediately, the present autumn, and before the commencement of cold weather. On this account they instructed the chief, who was accompanying me, to return and aid them.

Major John Campbell, the sub, though acting agent for the Delawares, duly appreciating the importance of removing them at the juncture when they are desirous to go, and before they had imbibed any spirit of objection from avaricious white men of a different interest, encouraged them to hope that their wishes would be complied with, and they removed immediately. By treaty, they are to be furnished with forty horses and with six wagons while removing.

A few days since I was informed, by Major Campbell, that an unhappy delay in their removal was likely to occur. It does not come within the sphere of duties assigned me to mention this subject; but, sensible of its importance, and relying on your indulgence, I respectfully and earnestly solicit your attention to the matter. I am decidedly of opinion that no time will admit of so much economy, in relation to the costs of their removal, as the present. Dissatisfaction, on the part of the Indians, and vexation to the Government, will result from delay; and I have too much reason to believe that there are white men who have access to them, who do not wish them to remove under the articles of the treaty with Colonel Vashon.

I have taken much pains to show the country to the chief who has been with us for a few weeks. Some of their chiefs had seen a portion of it before. The circumstances of their being pleased with the country and anxious to remove to it, without delay, could their wishes be gratified, would furnish one of the plainest evidences of the suitableness of this country for the settlement of Indians.

I find the country north of Kansas river better than I had anticipated. My report will, consequently, be more favorable to its character than I had hoped for. Considering the character of this country, and the number of other Indians to be located on it, it appears to me that the Delawares have four times too much land assigned them for their small number.

Unfortunately no mention is made in the treaty of a reserve for a military post at Cantonment Leavenworth. I have made an arrangement with the chief, concerning this, entirely to his satisfaction, and according with the views of the commander of the garrison.

The Kansas Agency, at which Government has erected good hewed-log buildings for the agent, farmer, blacksmith, and others, and a large stone building for a Kansas chief, is on the land of the Delawares, and more than twenty miles from the tracts reserved to the Kansas tribe.

I have the honor, &c.,

ISAAC McCOY.

HON. JOHN H. EATON,
Secretary of War.

TREASURY DEPARTMENT,
Second Auditor's Office, September 30, 1830.

SIR: It appears to have been, heretofore, the practice in this office, when rifles, beaver traps, or other articles, have been purchased by the Government, on contract or otherwise, for the Indians, to pay the persons of whom

the purchases have been made, on their producing the evidence of the shipment of the same, to the person directed by the department.

This mode of closing the contractor's account seems to me very defective; for, as soon as the articles are paid for, they are lost sight of, and part, if not the whole, may be lost, as I am apprehensive has been too often the case.

To remedy this, I would respectfully suggest the propriety of leaving the contractor responsible until the articles are delivered to the agent, and not to pay him until he produces his receipt. The agent then becomes responsible, and remains so, until he produces satisfactory evidence of their disposal, agreeably to his instructions.

I am, &c.,

W. B. LEWIS.

P. G. RANDOLPH, Esq.,

Acting Secretary of War.

October 7, 1830.

The President, with his respects to the acting Secretary of War, draws his immediate attention to the enclosed.

Request the agent to notify the department, if military force may be necessary; a part of the detachment, if not the whole, from the Cherokee country will be ordered to his aid, to remove the intruders.

JACKSON, *September 21, 1830.*

DEAR GENERAL: I learn from several quarters on the border, that many of our good, orderly, but enterprising citizens, intend forthwith to move over on to the Chickasaw lands, to procure occupant claims.

There is a treaty stipulation to prevent this procedure.

Until the United States' troops can arrive, would it not be well to issue your proclamation on the subject, to prevent the great mischief which may otherwise ensue.

I write this at the suggestion of several of our friends here.

All friends here are in good health. With a tender of my ardent wishes for your health and happiness,

I remain your unchanged friend,

And obedient servant,

S. D. HAYS.

General JACKSON, *President United States.*

CHOCTAW NATION, *October 9, 1830.*

FRIEND AND BROTHER: I have to inform you that it is my wish to take my two reserves, to include my improvement eighteen miles south of my old place. I had made an improvement with the expectation of leaving my old place soon. The copy of the treaty was given to only one chief. I do not understand all the articles; and if I had the treaty, some one could explain every thing fully to me. I wish you to send me a copy of it as soon as

convenient. I wish it explained to my captains and warriors. They don't understand it fully. It requires explanation more than once, for us to understand such things. You told me you would do me justice; you told me you would not deceive me; and all this I believed.

The chief of the northwest district is a man of education. It appears that his district is a great deal better provided for with reserves than either of the other districts, but particularly this, (southern.) I am sorry that one district should be better provided for than others, where all have equal rights. This I did not expect. Only one chief was present with you. This is not doing all parties justice. This you know yourself. I told you should I forget to tell you every thing, I would write, and I have done so.

Your friend and brother,

NETUCHACHE,
Chief Southern District.

To JOHN H. EATON,

DEMOPOLIS, ALABAMA, *October 14, 1830.*

SIR: I received, on the 12th instant, your favor dated Agency, 29th September, 1830; and on the same day a letter from General Coffee, written at your request, and dated Florence, 2d instant.

I lost no time after the receipt of the above-mentioned letters, to commence preparations for the journey, which I had been invited to perform, by despatching expresses to Colonel Leflore, and Mingo Muchulatubbee, with letters desiring the first to be in readiness, with four of his most intelligent captains, by the 30th instant, to set out for the new Choctaw country west of the Mississippi; and desiring the latter to select four of his most intelligent captains, and have them in readiness to join the exploring party at Colonel Leflore's by the same time.

Netuchache was fortunately with me when I received your letter. He will be ready, with his four captains, in due time. It is reported here that Colonel Leflore was hastening his preparations to set out on the 15th, and would probably not wait for the other chiefs to join him. In that event, we have only to hasten our movements and overtake him. I think, however, that General Coffee's letter will have stayed him until he receives mine; and that we shall all travel together. I am about to despatch a man to the Chickasaw Agency, by advice of General Coffee, for Colonel Reynolds's plan of march. We shall appoint a place of meeting on the Arkansas. General Coffee coincides with me in opinion, that it is of no importance that the two exploring parties travel together. I expect that my messenger will return from the Chickasaw Agency by the 20th instant, before which time I hope to receive your instructions, which General Coffee informs me will be forwarded me from Franklin, Tennessee.

I beg to remind you of your promise to send to my care a copy of the treaty for Netuchache. If, in your hurry to reach Washington, you have omitted to send the copy, I would respectfully suggest that you cause it to be forwarded immediately, to care of Allen Glover, of this place.

So far as I have had opportunity of conversing with the Indians, they appear better satisfied than I could have expected. I, however, hear daily

of some dissatisfaction; but, it is for want of correct information upon the various provisions of the treaty.

I have the honor to be,

Your most obedient servant,

GEO. S. GAINES.

The Hon. JOHN H. EATON,

Secretary of War.

TALLAHASSEE, *Indian Office, October 18, 1830.*

SIR: I have the honor, herewith, to transmit to your department a copy of a talk sent by me to the Florida Indians, and also my instructions to the Indian agent, Major Phagan.

The orders of your department have been repeatedly evaded by the chiefs; and especially the order to deliver up slaves, claimed by Mrs. Hanway, of Georgia.

In adopting the course which I have, in suspending the payment of their annuity, until they comply with the orders of your department, I have taken the only step that could be pursued, to enforce the treaty made with the Indians, and a compliance with the repeated orders of the Government.

If my course should not meet the views of the department, it is desirable that such directions as may be given in relation to this subject, should reach me early; and they will be promptly attended to, and carried into execution.

I am, &c.,

WM. P. DUVAL.

The Hon. JOHN H. EATON,

Secretary of War.

TALLAHASSEE, *Indian Office, October 9, 1830.*

SIR: The Department of War issued repeated orders, for the delivery of certain slaves among the Seminoles, to Mrs. Hanway, or her agent, which orders have constantly been evaded. You will inform the chiefs, that their annuity will not be paid to them until they comply with the orders of the Government.

You will report to me, without delay, what course the chiefs may take in this matter, in order the same may be submitted to the Department of War.

The case of Nelly Factor, an Indian woman, claiming certain slaves now in the nation, and which the chiefs in council, some years since, decided in her favor, has not been carried into execution. You will, therefore, urge the chiefs to discharge their duty, by having the slaves delivered up to the said Indian Nelly, or her agent.

Complaints have been made to me, that Colonel Humphreys has in his possession, certain slaves belonging to the said Indian woman Nelly, and to other Indians, which he claims by purchase of the Indians and others; but which, the Indians deny that he purchased or paid for. You will inquire into the facts, and report the same to me.

In all cases where a citizen shall claim a slave as a runaway, you will examine into the claim; and if it shall appear that the absconding slave has

escaped from the service, and is in the nation, you will exert your power and authority to have them delivered up to the owner.

Where a white man and an Indian claim the same slave, or other property, you must have the same submitted to a council of the chiefs; you attending the council, and reporting to me the evidence, and the decision of the chiefs. A record of all proceedings in council must be recorded in a book; and let the same be signed by the head chief of the nation, and attested by yourself as agent.

You will inform the several claimants, who have forwarded their accounts and evidence of their losses by Indian spoliations, that their claims have been transmitted to the War Department for consideration. That these claims amount to more than ten thousand dollars; and none but the President of the United States can order any part of the Indian annuity to be applied to the payment of such claims.

You will be active, and vigilant in restraining the Indians within their limits, and impress on them the necessity of behaving orderly and peaceably.

I am, &c.,

WM. P. DUVAL.

TO JOHN PHAGAN,

Agent for the Florida Indians.

[A TALK.]

TALLAHASSEE, *October 11, 1830.*

FRIENDS AND BROTHERS: I have a few words to say to you, and I am sorry that they will not be pleasant to your ears. Your great father has sent his orders, through me, to you, several times, to deliver to Mrs. Hanway, or her agent, certain slaves, belonging to her, in your nation. This has not been done; the orders have been treated as idle wind by you. Your annuity will not be paid until you comply with the treaty, in giving up runaways from labor who are in your nation. The agent will report to me what you determine on, and I will make known the same to your great father. The agent must be obeyed. His orders are from the President of the United States, who never requires his red children to do any thing unjust or improper that may injure them or their interest, but he sternly requires that both his white and red children shall render justice to each other.

Brothers: your white neighbors have sent on to me many claims for cattle and hogs killed by your people. These claims amount to more than ten thousand dollars. To pay them, it will take all your annuity for more than two years. I have sent the claims on to Washington, for your great father to decide on.

Brothers: restrain your people within their limits; they go out and kill your white brothers' cattle and hogs, and render the nation liable to pay for their bad acts. Will you permit a few lawless men of your nation to ruin you, and to bring poverty on yourselves and families? Have you not good men sufficient to keep in order the bad? I hope so, brothers, or your nation will otherwise be destroyed by them.

Brothers, listen! The Indians from the Creek nation will not be allowed to move into the Seminole country. They have no right there, and will not be permitted to remain. *This* you may certainly believe. Brothers, you

must look to your agent for the words of truth. Bad men have given you counsel; they are not your friends; they are deceitful, and speak with double tongues; they are serpents that will bite. Take care of them, for you may know them by their hissing.

WM. P. DUVAL.

CHIEFS AND WARRIORS OF THE SEMINOLE NATION.

MOUTH TELlico.

SIR: When I parted with you at Franklin, I expected to have been able to communicate to you the result of my mission much earlier; but although I lost very little time in my attention to the duty assigned me, at their individual homes, as well as their national council, I was unable to bring them to any definite conclusion until near the close of their council. When I came there, they appeared to be in great confusion. The high sheriff of the county of Gwinett was there with process against their national marshal and sheriff, for some alleged crimes committed against the State; for which they were unwilling to be taken, which prevented the sittings of their supreme court for near a week; and on the day on which I arrived, your letter from Franklin, to agents Montgomery and Ward, had been transmitted to them by Colonel Montgomery, and was read in open council, which produced much irritation and feeling amongst them. In this situation of matters, I suffered some days to pass by an interchange of private conversation amongst them, until that feeling would subside. I then commenced a written correspondence with their national committee; and after several communications had passed between us, solely on the subject of etiquette, they requested me to submit propositions to them in writing; a copy of which is, herewith, enclosed, together with the answer of the national committee, and the principal chief, Mr. Ross, through whom they communicated: all which is hereby submitted for your inspection.

In submitting the proposition, herein enclosed, to the Cherokees, I entertained some doubts that they might not be considered to come within the meaning of my authority, or the object of my mission; but being called on by them to do so, I thought it best to comply; and in doing so, particularly on the subject of reservation in the limits of Georgia, I was regulated by Mr. Wilde's resolution in Congress on that subject, allowing one thousand acres to every five persons in the nation; together with an intimation received from Major Hardin, of Georgia, touching the views of Governor Gilmer relative thereto. In all other matters contained in the propositions, I endeavored to keep myself within the pale of the provisions recently made in the treaty with the Chickasaws. I also believed it would have a tendency to show to the world, that the Government is influenced by a spirit of liberality and friendship towards them. But I must beg leave to add, that notwithstanding they have at present refused to accede to any propositions that have been made them, yet, in my humble opinion, a revolutionary work is at this time fast progressing amongst them; a goodly number of them now want reservations, and those men of influence. They say that many of their chiefs and counsellors have heretofore had the benefit of reservations; that they have become rich, and built elegant houses, and purchased splendid furniture, and in whose hands are now placed all the good offices of the nation, and are in reality the rulers of the country;

while others, equally worthy, have not participated in such bounties. And if it should be thought consistent with the relations existing between the Cherokees and the United States, to establish something like a reservation office in the nation, I think it would be attended with salutary consequences; and perhaps it might be worth a thought to inquire a little, whether individuals who have taken reserves, on the condition of becoming citizens, should now be viewed as Indian chiefs. I met with Major Hardin there, who, on account of his acquaintance with many of the natives on the Georgia limits, is acting efficiently in promoting the views of the Government. But, finally, the Indians say that if they cannot get the question into the supreme court, they will surrender; and if they should get it there, and it should be decided against them, they will also surrender. This I believe to be the reason why they hesitate to come to terms at present; and to this course they are strongly advised by missionaries and others in the United States.

Your obedient servant,

JOHN LOWREY.

Honorable JOHN H. EATON,

Secretary of War.

NEW ECHOTA, *October 20, 1830.*

The United States, in order to avert the evils and unhappy difficulties which now exist, and are likely to continue, between the Cherokee Indians and the surrounding States, and with a view to promote the future peace and happiness of all concerned, propose to enter into a compact or treaty with the Cherokee Indians on the following terms, to wit:

1st. The United States propose to give to them a country west of the Mississippi, and without the limits of any of the States or Territories of the United States, which shall be equal in value to the country they leave.

2d. They further propose to allow to each and every warrior and widow, residing within the States of Alabama and Tennessee, and also Georgia, provided her assent can be obtained, and which we have strong assurances can be, a reservation of two hundred acres which they may occupy as long as they choose, and when they choose to leave it, the United States will pay them a fair price in cash for it.

3d. They also propose to allow to each and every Indian who choose to become citizens of the United States, and who have arrived to such a state of improvement as will enable them to sustain themselves under the laws of the States, a reservation in fee simple.

4th. They do further agree to remove those who may choose to emigrate at the expense of the Government, and to furnish them with provisions one year after they arrive at their new homes, and also to pay them for all their stock, except horses and other personal property, which they may not choose to take with them, thereby giving them a perfect choice to go or stay, and in either event to be provided for as above described.

5th. A liberal school fund will also be added, to be vested in the hands of such trustees as may be deemed worthy the trust, for the promotion of education in the new country, that the rising generation may thereby be

enabled to improve in useful learning, together with such annuities as they may be thought entitled to, compared with those that have been afforded to other nations.

JOHN LOWREY.

NEW ECHOTA, CHEROKEE NATION,

October 21, 1830.

SIR: The committee and council, in general council convened, deem it unnecessary to exhibit a detailed statement of their objections to the propositions submitted, through you, by the special agent of the Government, John Lowrey. The special agent, in his remarks, was understood to say, that whenever the State of Georgia thinks proper to enter the territory of this nation and survey it, the President would not interfere or prevent them; and that the citizens of Georgia would draw for the land agreeably to their laws. In other words, they would take it by force, without any opposition from the General Government. We have not sought the difficulties the special agent has enumerated in bold relief, nor are we prepared to run away from the trials that beset us; and if any officers of the United States harbor the expectation of driving a bargain with us, by withdrawing the protection of the United States, guarantied to us by treaty, we can only say that they have only to continue their policy, until it leads them to a point beyond which it will be in vain to expect success; and it is better known to themselves how far they will go.

Reservations in fee have been offered; to which we say, we have no disposition to alter the extent of our reservation, as defined by former treaties—the limits of the whole Cherokee nation. It is the desire of the council that the special agent may receive this as an answer to his propositions, submitted for our consideration. If it is thought expedient, on your part, to reply more fully to the communication referred to, the council can have no objection.

JOHN RIDGE, *Pres't Council.*

Concurred:

GOING SNAKE, his x mark,
Speaker of Council.

WM. ROGERS, *Clerk Committee.*

A. MCCOY, *Clerk Council.*

To Mr. JOHN ROSS.

NEW ECHOTA, C. N., October 22, 1830.

SIR: The general council have deliberated upon the subject of your propositions, submitted, through me, for their consideration; and the enclosed document contains the result of that deliberation, which is submitted for your information.

The Cherokees have, long since, come to the conclusion never again to cede *another foot* of land; and of this determination there is abundant

proof to be found among the public documents in the offices of the General Government. The President was addressed upon this subject fully, at Nashville, last summer, through the agent; and they now only ask from the General Government the protection of those rights which have been solemnly guarantied to them under former treaties.

The offer of new guaranties can be no inducement to treat.

I am, sir, &c.,

JOHN ROSS.

Col. JOHN LOWREY, *Special Agent*.

DETROIT, *October 30, 1830.*

SIR: In pursuance of the instructions of the commissioners for locating a country at Green Bay for the New York Indians, I herewith transmit to you accounts and vouchers relating to their proceedings. Also the report of A. G. Ellis, surveyor, as to the aspect of that country, &c.

I have the honor to be,

Very respectfully, sir,

Your obedient servant,

WM. B. HUNT, *Secretary*.

To the Hon. JOHN H. EATON,

Secretary of the War Department.

FLORENCE, *October 31, 1830.*

SIR: Immediately on my arrival at home, from the Choctaw nation, as you directed me, I wrote to Colonel George S. Gaines, informing him that you had given him the appointment to accompany and superintend the Choctaw delegation, on their tour west of the Mississippi, and instructing him to make ready to be off as soon as possible. This letter was dated, I think, on the 2d instant. Again, on the receipt of yours to me, of the 12th instant, I wrote him, in conformity with your instructions, that he was authorized to draw on you for any amount, not exceeding one thousand dollars, to defray the expenses, &c. This letter was dated about the 16th instant. I have lately received from Colonel Gaines the enclosed letter, which I send you, that you may be apprized of his movements. By his letter, you will see that my first letter was ten days reaching him; therefore, I conclude my last will be about the same time, which will make it reach him about the 26th or 27th instant; and after the date of his to me, (which is enclosed,) but about the time he would be ready to start on the journey. In my first letter to Colonel Gaines, I recommended him to send a confidential friend to Colonel Reynolds immediately, and before he started, who could arrange with him the route and movement of both parties, and appoint a time and place of meeting in the new country; when and where the delegates of the two nations could enter into such arrangements, concerning their settlements, as they thought proper to do.

In Colonel Gaines's letter, you will see his remark that he had "sent a

friend to Colonel Reynolds, for his plan of movement, who will probably return by the 22d." This messenger has been sent to Reynolds, according to my suggestion to him, (Gaines.) I mention this here, that you may understand the meaning of his remark in his letter.

Captain Dumeste has returned home, and informs me that he saw you and Mrs. Eaton at Louisville on your way home—all well. I hope you had a safe passage home in like good health.

With great respect, &c.,

JNO. COFFEE.

Honorable JOHN H. EATON,

Secretary of War.

DEMOPOLIS, ALA., *October 19, 1830.*

DEAR SIR: Your favor of the 2d instant was received on the 12th, and I immediately despatched expresses to Colonel Leflore and Mingo Mushulatubbe, desiring them to be in readiness with their four captains each, to set out for the new Choctaw country west of the Mississippi, between the 25th and 30th instant.

Netuchache was with me. He and his four captains will be ready by the time mentioned.

My woods clothing, &c., will be ready in a few days; and, in the meantime, I hope to receive instructions and means for the journey from the honorable Secretary of War.

I sent a friend to Colonel Reynolds for his plan of movement, who will probably return by the 22d.

With much esteem, &c.,

GEO. S. GAINES.

To General JOHN COFFEE.

SUPERINTENDENCY INDIAN AFFAIRS,

St. Louis, November 1, 1830.

SIR: As one of the commissioners appointed to hold treaties with the Sioux, Sacs and Foxes, Winnebagoes, Monomones, Ottoes, O'Mahas, Ioways, &c., I had the honor to inform you on the 16th July last, of treaties having been concluded with those tribes, and that the same would be forwarded to you as soon as the signatures of the Yankton and Santie bands of Sioux could be obtained; for which purpose they would be invited to meet deputations from the Sacs and Foxes at this place, agreeably to the third article of the treaty of peace, and of the sixth article treaty of cession. Accordingly, full deputations from those bands arrived here a few days since, with their sub-agent, Mr. Bean, and met deputations from the Sac and Fox tribes, which were also numerous, and who had been awaiting their arrival several days at this place. After the usual ceremonies in opening the council, (the President's message and the treaties having been previously read and explained to them, and which the Sioux highly approved,) and after some counselling and a great many speeches on both sides, they

smoked the pipe of peace together, and shook hands in my presence; attesting the Great Spirit to the sincerity of their determination to remain friends, and expressing much satisfaction at the opportunity afforded them by their great father, the President, for becoming so.

It will be remembered that those Yankton Sioux had been invited to the treaty of Prairie du Chien of 1825, as well to the one appointed to be held at the same place in July last, and that in both instances the same causes produced the same effects; that is, fear of their enemies, the Sacs, prevented them from traversing so large an extent of country; a great part of which was claimed by the latter, and by parties of whom it was expected they would be met and butchered. This was the principal cause of their failure, in both cases, to attend; but in the latter instance, measures had been taken to obviate this difficulty, by sending my own son, with the sub-agent, who delivered my message, and which would have succeeded, as they told me themselves afterwards, but for the rumors which had just been circulated among them, that several parties of Sacs and Foxes were then in waiting to attack them on the way. So certain was the O'Maha chief (Big Elk) of meeting his death, that he left his medal to be given to his son; although it may be readily supposed that his pride and ambition would have prompted him to exhibit it among the representatives of so many different tribes, had he possessed the smallest hope of escaping; yet he followed my son across the country to the Prairie.

The Yankton and Santie Sioux very cheerfully assented to, and executed the treaties, conformably to the third and sixth articles of each, and departed for their homes under the charge of Mr. Bean, apparently much pleased with their reception, and with their new friends, the Sacs and Foxes; and I am inclined to believe that a sincere wish is entertained, on both sides, that the peace may be permanent.

Those treaties I now have the honor of transmitting to you, herewith; also an estimate showing the amount expended up to this date in effecting said treaties, and the amount which will be required to execute the stipulations of the same (if approved) for the year 1831.

I will shortly transmit to the department, an extract from minutes of the council, during the treaty.

With high respect, &c.,

WM. CLARK.

Honorable JOHN H. EATON,
Secretary of War.

YAZOO, AT COLONEL LEFLORE'S, Nov. 6, 1830.

SIR: Your favor dated Franklin, 7th October, post marked 12th, reached my residence at Demopolis on the 22d. The copy of the treaty enclosed for Netuchache was immediately forwarded to him.

On the next day, I set out for the Choctaw nation to collect my exploring party, and proceed to explore the new Choctaw country west of the Mississippi, leaving orders to be followed by the confidential person, mentioned in my last, who I had sent by General Coffee's advice to the Chickasaw Agency, to obtain from Colonel Reynolds such communications as might

have been confided to him by yourself and General Coffee, for our joint government; and also the colonel's plan for our meeting somewhere on Arkansas river. I was not overtaken until the 27th ultimo, the messenger's horse having failed him on his journey. He brought me a letter from Colonel Reynolds, sub-agent, advising me of the colonel's departure, and saying that he would forward my letter to him by express. He also brought a letter from General Coffee, dated 16th ultimo, written by your instructions, authorizing me to draw for \$1,000 on you for the outfit and expenses of my exploring party, and urging me to proceed without further instructions.

Having had with General Coffee, before we parted at the treaty-ground, a lengthy conversation on the subject of the mission, since entrusted to Colonel Reynolds and myself, in which, he imparted to me, in confidence, his views and opinions on that subject, and knowing that there will be no difficulty in meeting with the other party on the Canadian fork, Arkansas, where the colonel and myself can act together understandingly, I determined to proceed on the tour at once.

I passed near Netuchache's residence, bringing with me Captain Juzan; also by Mushulatubbe's residence; and hastened to this place, where I arrived two days since, in the hope of finding Colonel Leflore and his captains, ready for the tour. I have been joined by Netuchache, and his captains, and Mushulatubbe's captains; but I am grieved to be compelled to inform you that Colonel Leflore declines to proceed with me, and thereby redeem his promise to you. He says that the nineteenth article of the late treaty imposes upon him a duty, as chief, which must be performed before the 1st January next, or his warriors would lose the advantage of relinquishing their reservations of land, at fifty cents per acre, to the United States, secured to them by that article. I assured him that he might delegate, in perfect safety, to his principal officer, the power of deciding upon the persons to be rejected in the event of the various classes exceeding the limits of such class; and that I saw no other duty which at all required his stay. I have repeatedly reminded him of his promise to you; and, in a word, I have left nothing unsaid which I could say to induce him to go; but all to no purpose. He really seems to think his presence absolutely necessary, and seems seriously to regret it.

This strange and unexpected determination of Colonel Leflore's not to accompany the party, agreeably to his promise to you, places me in a most embarrassing situation.

The delegations from the other two districts are not at all disposed to give up the trip; and the question, whether all the objects expected to be accomplished by the intended tour of exploration, are likely to be accomplished without the party having with it the influential chief, Leflore, is difficult to answer.

The next question that occurred to me was, what effect will our turning back, contrary to the wishes of the two eastern districts, have upon the murmuring hundreds of ignorant Indians, who are daily counselling among themselves, with a view of obtaining a majority of the nation to join them in asking the President and Senate to return them the treaty. This question is not difficult to answer. The effect would be very unfavorable, both to speedy emigration from this nation, and possibly from others, and to the great work of removal generally.

Discontents have lately appeared in portions of all the districts, but most alarming in this, and hence, I presume, is the true cause of Colonel Leflore's

unwillingness to leave home; indeed, his friends think there is much probability of his removal. In the eastern districts all is becoming quiet; and the nation at large, as the treaty becomes better and better understood, will, I venture to predict, become well satisfied, and remove speedily. My journey so far, I flatter myself, has done some good towards the accomplishment of this prediction.

I have, under all circumstances, concluded to proceed. Colonel Leflore proposes to send his brother and two other captains, and is now gone to bring them in. I hope to enter the Mississippi swamp to-morrow, and meet Colonel Reynolds about the 25th instant, somewhere on the Canadian fork of Arkansas.

A great number of emigrants are gone, and daily going from this neighborhood to their new country.

I have, &c.,

GEORGE S. GAINES.

HON. JOHN H. EATON,
Secretary of War.

CHOCTAW AGENCY, November 14, 1830.

SIR: I advised the President of the United States that some difficulties were likely to take place since the treaty. Upon learning from what quarter the mischief was supposed to be made, I lost no time in inquiring into the matter. I found that Jerry Folsom, (who you may recollect spoke against the treaty,) and P. P. Pitchlyn, were getting up a scheme with Mr. Williams, one of the missionaries, to modify or break the treaty, by sending on McDonald and Peter to Washington, with a protest, signed by the warriors, to break the treaty, &c.

I had up Williams, and he got alarmed; so all blew up at that. Then it was said that they only wanted to break all the chiefs that signed the treaty. Before I knew any thing about it, they succeeded in the southern district, Netuchache's; also Leflore was partially removed by the enemies of the treaty. I have ordered Reverend Smith out of the nation, with his interpreter, Ellis. Mr. Tally has gone over to Arkansas to see the Indian lands. Mr. George S. Gaines has left here, several days, with a party of Indians to explore the Choctaw lands west.

If funds were given to take off a party, a great number are now anxious to go.

As soon as Congress meets, and the Senate is full, it might be as well the treaty were ratified; as there are some poor wretches will always be meddling with the Indian subject, until it is put at rest.

I cannot believe any person from this part of the country will again attempt any thing, as they find they must leave the nation if any other attempt be made.

Mr. McDonald was much opposed to the treaty; and was to have been up in the nation at a great council appointed at Dancing Rabbit, but he failed to attend. It is to be remarked that as soon as it was known what this meeting was for, but few attended; so you may rest assured every thing is going on smoothly in this nation.

I have, &c.,

W. WARD,
Agent C. N.

HON. JOHN H. EATON, *Secretary of War.*

P. S. I have just seen Jerry Folsom, who says he is done with his opposition, and will go off as soon as he can be provided for. Also wants to make an entry of his choice, &c.

LITTLE ROCK, A. T., November 18, 1830.

SIR: I have the honor to inform you, that I have progressed this far with the Choctaw exploring party.

I have only time to apprize you that I have drawn on you, at sight, viz:

In favor of Major Haley for	-	-	\$125
Do. do. Major Johnston for	-	-	60
And John McLean for	-	-	500
			\$685.

Amounting altogether, up to this date, to six hundred and eighty-five dollars, which drafts I hope will be duly paid.

I will write to you again so soon as I overtake Colonel Reynolds, who, I trust, will have explored the vacant lands between the Arkansas and Canadian rivers, and be ready to join me on the south bank of the Canadian.

I have the honor to be,

Respectfully, your obedient servant,

GEO. S. GAINES.

HON. JOHN H. EATON,

Secretary of War.

November 18, 1830.

DEAR SIR: In reply to your note of this morning, enclosing the letter from the Governor of Georgia, I have to observe, that I can see no good to be derived to the State of Georgia or the United States, by the enrolling plan, but an accumulation of expense to the Government and a constant drain to our treasury. Suppose one thousand enrolled for emigration, this does not lessen the claim of the Cherokees, as a tribe, to the territory now claimed by them within Georgia, and from the temper that has lately appeared amongst them to emigrate, it is evident to my mind, that the chiefs must shortly propose a treaty under which the whole will emigrate, that do not intend to remain as citizens; but if the enrolling system is commenced, it will have the effect to lessen the ardor that now begins to show itself for emigrating to the west. This ardor ought to be increased, and delay will have this effect, until the rising spirit of the Indians will compel their chiefs to send deputies duly authorized, to treat for the whole country. Therefore, you will answer the Governor of Georgia, that this enrolling scheme ought to be postponed for the present, until the course the Legislature of Georgia may take on this subject is fairly developed, and until it is seen what effect the late spirit for emigration, by many of them, may produce upon the whole nation.

I have no doubt but the common Indians, seeing that their chiefs have become wealthy by the course pursued by them, whilst the common Indians have been reduced to beggary, will soon burst their bonds of slavery, and compel their chiefs to propose terms for their removal. For the present the enrolling scheme ought to be postponed.

Yours,

ANDREW JACKSON.

Hon. JOHN H. EATON,
Secretary of War.

SUPERINTENDENCY INDIAN AFFAIRS,
St. Louis, November 20, 1830.

SIR: I have the honor to enclose you, herewith, an estimate of the probable expense of holding a council with those bands of Ottaways, Pottawatomies, and Chippewas, residing on the Illinois river; for the purpose of reconciling them, and obtaining their assent to the treaties of Green Bay of 1828, and Prairie du Chien of 1829; and for other objects stated in the estimate, which is submitted to the department, agreeably to an intimation contained in your letter of the 4th of October last.

With high respect,

WM. CLARK.

Hon. JOHN H. EATON,
Secretary of War.

CANTONMENT GIBSON, *November 21, 1830.*

SIR: The conflicting claims of the Creeks and Cherokees relative to the partition of the country, ceded to them by their late treaty, induces me to present to your notice the following communication and map enclosed.

The Creeks claim the right, under treaty, 24th January, 1826, to select the whole of the country west of the old territorial line, from the Canadian river and across the Arkansas to the Verdigris and Osage reserve. But the treaty contemplates the selection of a country only for the McIntosh party, proportioned to their numbers, without any provision for the migration of the rest of the nation. And although it should be contemplated to define the limits of said selection, with a view to provide thereafter for the whole Creek nation, yet it is deemed advisable to confirm the right to select within reasonable limits; otherwise the Cherokee treaty could not be complied with, in good faith, without a recession of four million seven hundred thousand acres of the Arkansas territory, which the interest of the southern and western section of our Union should forbid. With a view, therefore, to effect a speedy removal of some of the existing difficulties, I would recommend the following partition of the ceded country between the Creeks and Cherokees, in compliance with their respective treaties, viz.: Assign to the McIntosh party of Creek Indians, pursuant to the treaty, a country, proportioned to their numbers, on the north side of the Arkansas river and west of the old territorial line; though I should deem it most ad-

visible to leave for their undefined occupancy the whole of the country north of Arkansas to the Osage line, and west of the State of Missouri and old territorial line of Arkansas, which contains about 8,000,000 acres, and fronts 38 miles on the State of Missouri, with a view to provide ultimately for the whole Creek nation, by obtaining a cession of a portion or the whole of the Osage reserve, and placing the Osages on the yet unappropriated 50 miles north, and obtaining of the Cherokees the little strip between Neosho and old territorial line; an ample country might be provided for them, and therefore I earnestly invite your attention to this view of the subject. By confining the Creeks to the north side of the Arkansas, the provisions of the Cherokee treaty may be immediately fulfilled, by assigning to them the 4,700,000 acres between the Canadian and Arkansas, pursuant to their treaty of May 6, 1828. It is deemed highly important that all the provisions of the Cherokee treaty should be carried into effect in every particular, without further delay; since the year 1817, three treaties have been made with them, and not one of which has been carried into effect, pursuant to their provisions; such delays, &c., have, no doubt, had an unfavorable influence in the old nation.

The limiting the Creeks to a selection of country on the north side of the Arkansas, I do not consider, would be doing the party here any injustice; they all, at first, settled on the north side, and nearly all of them continue to remain there, though a few families have removed over to the south side since the date of the Cherokee treaty, with a view to claim the whole country to the Canadian; but the just and legal claims of the Cherokees under their treaty, I think, should forbid the admission of the extravagant pretensions of the Creeks.

Col. Reynolds and party have just reached this place, from whom I have learned their object; the whole country here is considered as having been already ceded by treaty; but by the contemplated arrangement with the Choctaws for the south side of Arkansas and Canadian, an ample country may be provided for the Chickasaws. Permit me to suggest, if a portion of the country south of Red river can hereafter be obtained for the ultimate location of the Chickasaws, it would be the best means of providing an acceptable country for the Cherokees east. They are unwilling to be again amalgamated with this portion of their nation; and, therefore, if the south side of Arkansas, (now contemplated for the location of the Chickasaws,) with the 4,700,000 acres which are already ceded to the Cherokees, in the fork of the Canadian and Arkansas, was offered to them, it would present a strong inducement, and perhaps their removal might be effected sooner than by other means. It ought not to be thought strange that the land, on the south side of Arkansas river, should be deemed essentially necessary to provide an acceptable country for the Cherokees east; the extensive prairies, and the great scarcity of water during half the year, render many portions of this country entirely unacceptable.

Permit me also to present to your notice the claim of the emigrant Cherokees here for their portion of the annuity, payable at present, east of the Mississippi.

I have the honor to be,

Your most devoted and obedient servant,

GEO. VASHON,

Ind. Agt. C. W. M.

Gen. ANDREW JACKSON, *President U. S.*

P. S. The most certain and speedy method of obtaining funds to amount requisite for this agency is by check, or otherwise, on United States Bank, New Orleans. It will require \$60,000 in specie to make a judicious and satisfactory payment of claims to the Cherokees.

G. V.

CHOCTAW NATION, *November, 28, 1830.*

DEAR SIR: I take the liberty of addressing you a few lines respecting my situation, as respects reserves. I was busily engaged attending to other business, and was not present when the treaty was assigned. I am surrounded by persons who are entitled to preference claims, being older settlers than myself; and the chiefs' claims will take my improvements; and I don't know what I am to do situated as I am. I wish to become a citizen, and not go over the Mississippi; and I am told, by men of information, that I can't get any part of my improvements. I want to know of you if I can be permitted to settle on some other place, and take a reserve and become a citizen of Mississippi. I don't want this for speculation, but want a home; and don't see how I am to get one, unless you would permit me to take one somewhere on unimproved lands. You will do me a favor by sending me a few lines directed to New Hope P. O., Alabama.

You will much oblige your humble servant,

CHRISTIN SPRING.

Hon. JOHN H. EATON,

Secretary of War.

TALLAHASSEE, *November 29, 1830.*

SIR: Your letter of the 8th instant was received last night. The directions of the Secretary of War that the Indian agent under my direction shall attend to claims for slaves, both of the Indians and white people, and all other claims growing out of their intercourse with each other, shall be strictly pursued. The payment of their annuity shall be immediately ordered.

Under the 7th article of the treaty with the Florida Indians, they have, in all cases, when they have apprehended and delivered up slaves, received from their owners from ten to twenty dollars in every case: but this has hitherto produced no effect in the recovery of the negroes. It is proper for me to state that the orders of the department, so often repeated, that the Indians should deliver certain slaves to Mrs. Hanway, of Georgia, cannot be carried into effect but by force, or the suspension of the payment of their annuity. The Indians have a number of slaves who have entire control of their masters, and will always influence them to retain the runaway slaves that now are or hereafter may flee to the nation. There are several white persons who reside near the Indian boundary, for the purpose of carrying on an unlawful intercourse and trade with the Indians, whose interest it is to impress the Indians with their opinions: which are uniformly opposed to the policy and justice of the Government. I can only assure the department that if a more decided course is not pursued, in compelling the observance of the treaty, on the part of the Indians, serious evils may be expected. Many of our citizens will, regardless of consequences, forcibly take their

slaves. Such a step will lead to consequences of the most deplorable nature. I will omit no opportunity of preventing or controlling, as far as my power will authorize, any act that may impair the peace of the country.

The agent will in a few days make his report to me of the causes which have influenced the Indians in their conduct, for some time past, as he was directed to do so; and the same shall be transmitted to the department for consideration.

I am, respectfully,

Your obedient servant,

WM. P. DUVAL.

SAMUEL S. HAMILTON, Esq.,

Gen. Super't of Ind. Affairs.

OFFICE OF SUPERINTENDENT INDIAN AFFAIRS,

St. Louis, November 20, 1830.

SIR: By direction of the superintendent, I have the honor to transmit to you, herewith, the joint report of the agent for the Osages, and of the special agent appointed in their behalf, to value the improvements, left by individuals of that nation, on the Cherokee lands. Also a report from Peter Menard, jun., sub-agent at Peoria, of the 12th inst., on the subject of the presents and payments made to the Ottaways, Pottawatamies and Chippawas; containing a statement of the number of those Indians within his sub-agency, and a reference to the population of the whole.

I have the honor to be,

Very respectfully,

Your obedient servant,

JNO. RULAND,

Sub-agent Indian Affairs.

The Honorable SECRETARY OF WAR,

Washington City.

SALINE, September 26, 1830.

Agreeably to instructions from General Wm. Clark, superintendent of Indian affairs, dated St. Louis, August 5, 1830, requesting to have the improvements of the Osages, who lately abandoned the land which appeared to belong to the Cherokees, as defined by the late treaty, to be valued. Mr. A. P. Chouteau, who was appointed by the Osages, on their part, to act with the agent, P. L. Chouteau, accepted of the appointment, and we accordingly proceeded to assess the improvements.

The following, to the best of our knowledge, is a correct statement:

One log house, sixteen feet square, and sixteen bearing peach trees.

One double log house, sixteen feet by thirty-two feet.

Two log houses, each sixteen feet square, and sixty bearing peach trees.

Two log houses, each fourteen feet square.

The quantity of land we appraised at ninety-seven acres, which was well improved, and under a good fence, when it was abandoned, as well known by one of the undersigned, A. P. Chouteau; since which, some of the rails have been burnt. This settlement was below the residence and trading house of Mr. A. P. Chouteau.

There is also a settlement above Mr. Chouteau's trading house, of one log house, eighteen feet by sixteen; and one twelve feet by twelve feet, (a stable;) one log house, sixteen feet by thirteen; and one corn crib, six feet by ten feet; one log house, sixteen feet by thirteen; and one hen house, nine feet by ten feet; one house, twelve feet by thirteen feet; together with twenty one acres of cleared land, under good fence, and well cultivated.

We, therefore, value the whole of the improvements at one thousand three hundred and twenty-nine dollars.

All of which is respectfully submitted.

A. P. CHOUTEAU, *Special Agent,*
Appointed on the part of the Osages to value their improvements.

P. L. CHOUTEAU,
United States' Agent for Osages.

PEORIA, November 12, 1830.

SIR: Having been called on by you, for a report of the amount to which the united tribes the Chippewas, Ottaways, and Pottawatamies of the Illinois river, are, in my opinion, justly entitled, according to their numbers, under the arrangement made with them at Green Bay, in 1828, and by the treaty of Prairie du Chien of 1829; and those Indians themselves, having also requested me to submit, for your consideration, a statement similar to what you have required, I now lay before you all the information of which I am possessed, connected with the subject.

Whilst at Chicago, in September last, I endeavored to ascertain the number of the above tribes, attached to Dr. Wolcott's agency. By information received from various sources, entitled to credit, their numbers, in my opinion, cannot exceed two thousand souls. Of the same tribes, there are within my sub-agency eight hundred and fifty-seven persons, viz.:

Captain Hill and party, on the waters of Spoon river,	-	83
Senacheewanee and party, at Marias d'Prieux,	-	210
White Bird and party, at Papaw Grove,	-	293
Shickshack and party, Sameenauk, Fox river, of Illinois river,	-	171
Waubasee and party, on the Illinois river, above mouth of Fox,	-	100

857

For the correctness of this enumeration I can pledge myself, having spared no pains to arrive at the truth; and it will show the singular error of Dr. Wolcott, when he so underrated the number of Indians, within my sub-agency, as he seems to have done in some remarks I understand he has made on the subject. In August, 1828, I accompanied a deputation of the united tribes on the Illinois river, at Green Bay, to meet Governor Cass, and Colonel Menard, commissioners on the part of the United States; the object was to purchase from those tribes certain lands owned by them in Illinois, (see the treaty of 1816, p. 83, for a more particular description of those lands.) The deputation not being sufficiently prepared, refused to treat; but came to an arrangement with the commissioners, by which they, the united tribes of the Illinois, were to receive a just proportion of ten thousand dollars, payable shortly afterwards, at some convenient point on the Illinois river. Their expectations have been sadly disappointed; for, as yet, they have not received

ed a cent, of their portion of the ten thousand dollars thus agreed to be paid them.

In 1829, the Indians of my sub-agency refused to attend the treaty at Prairie du Chien, on the same grounds that the Winnebagoes refused to go to Rock island; that the distance was too great, and that they were unaccustomed to treat on others' lands. It appears, however, that a few of the united tribes, residing about Lake Michigan, attended at that treaty, and received the *whole* of the ten thousand dollars; which the commissioners at Green Bay, in 1828, promised should be equitably divided between both branches of the nation. Twelve thousand dollars in presents, promised at Prairie du Chien, in 1829, to be divided fairly amongst the nation, has also been *all* given to a few residing about Lake Michigan; not a dollar's worth, have those of my sub agency received. It is not for me to say by what means, or for what objects, these things, so evidently and palpably unjust, have been done. Honesty forever; and honesty will prevail in time. Never was there, since the creation of the world, such a bare-faced and malignant imposition practised on a set of beings, already rendered miserable and unhappy by the incessant persecution of the white citizens. According to my view of the subject, that portion of the united tribes of the Chippewas, Ottaways, and Pottawatamies, residing on the waters, or river Melwakee, and those of the same tribes residing on the Illinois river, are individually entitled to a just proportion of the ten thousand dollars aforesaid, as well as a just proportion of the twelve thousand dollars in presents; all of which, as I have before stated, has been paid to a few of those tribes residing within the immediate neighborhood of Lake Michigan, and who could certainly never have been received as the exclusive or authorized representatives of the whole nation, as I have stated to Dr. Wolcott, in my communication to him of the 28th September last. I could say a great deal more to convince you of the injury done the Indians of my sub-agency; but I am satisfied you are already well apprized of the facts, in relation to the case. I shall entertain the warm hope, that you will spare no pains in having justice rendered to those unfortunate beings; and mitigate, as far as possible, their miserable situation.

I have been requested by the principal men amongst the tribes of my sub-agency, to inform you that they are desirous to sell their lands themselves, and will, they say, be reasonable; that, with a few exceptions, they have no objection to the last treaty; and if the matter can be arranged, they wish their proportion of the money, to come through your hands, as they cannot place any confidence in Dr. Wolcott, or the Indians within his agency.

I am, very respectfully,

Your obedient servant,

P. MENARD, Jr.,
Sub-Indian Agent.

To General W. CLARK,

Superintendent Indian Affairs, St. Louis.

FORT SMITH, ARKANSAS TERRITORY,

December 1, 1830.

SIR: I arrived at this place with the Choctaw delegation for exploring their new country, three days ago, and have since been busily engaged in preparing for the woods. Colonel Arbuckle will send provisions for our

use to a point on the Canadian, a few miles above its mouth. The delegation will each receive a rifle at this place. Colonel Reynolds will meet me with his party, at the point where we are to receive our provisions, and proceed with us, in company, up the river.

In directing General Coffee to limit my drafts for the outfit and travelling expenses of my party to \$1,000, I am sure you did not think of the great poverty of the Choctaw captains. They set out so badly mounted and clad, that I have been compelled to aid them in exchanging their tired ponies for fresh ones, and, in some instances, in purchasing when they could not *swap*: and also, in purchasing clothing and blankets for their comfort. For the amount advanced in this way, to each member of the delegation, I have taken his receipt as a payment on account of his per diem allowance. Duplicates of which are enclosed, together with an account of the several advances made on account of pay, amounting, up to this day, to \$295 57; for which sum I have taken the liberty of drawing on you, this day, in favor of Messrs. Calville and Coffey, at ten days sight.

I have thought proper to render you an account now of my advances on account of pay to the members of the delegation, as doubtless such advances were not considered necessary by you; but I feel confident you will approve of them under the circumstances above mentioned, and would have ordered them, had you known how unable some of the most influential men of the nation are to provide for a long journey.

Duplicates of the vouchers for my outfit, purchases and travelling expenses, I will, for safety, transmit to my family up to this day; and, after my return home, render you an account of the whole.

I will write you from the Canadian, after meeting with Colonel Reynolds, and hope to be able to make my letters more interesting in future.

I have the honor, &c.,

GEO. S. GAINES.

HON. JOHN H. EATON, *Secretary of War.*

CANTONMENT GIBSON, *December 2, 1830.*

SIR: I have the honor to acknowledge the receipt of the letters of instruction, of 15th October, with their enclosures, and to report, in part, thereupon.

I consider the best mode of adjusting the claims of the Creeks and Cherokees, pursuant to the provisions of their respective treaties, to be as follows:

Assign to the McIntosh party of Creeks, pursuant to the treaty, a country, proportioned to their numbers, on the north side of the Arkansas and west of the territorial line; keeping in view the ultimate provisions requisite for the whole of the Creek nation, by assigning the whole of the country north of Arkansas to the Osage line, and west of the State of Missouri and the old territorial line of Arkansas; which contains about eight million acres, and a front of about thirty-eight miles on the western boundary line of the State of Missouri. And, by obtaining a cession of a portion, or the whole, of the Osage reserve, and placing the Osages on the yet unappropriated fifty miles north, and by obtaining of the Cherokees the little strip of land between the old territorial line and the Neosho river, an ample outlet west may also be added.

And assign to the Cherokees, pursuant to treaty, the balance of their seven million acres, up and between the Canadian and Arkansas, to a point

at which a line, running north and south from river to river, will give the country ceded by treaty.

The above partition of the country will, in my opinion, extend to each equal and ample justice; and should be deemed a faithful compliance with the provisions of their respective treaties. It gives to the Creeks all that they have a right to claim under the stipulations of their treaty, viz.: A country proportioned to their numbers, wherever they would select, west of the State and territory. The Creeks, at first, all settled north of Arkansas, but since the date of the Cherokee treaty, some of the Creeks have moved over to the south side, with a view to claim the whole country to the Canadian; such exercise of the right to select ought to be deemed somewhat extravagant. And when the acquiescence in such unnecessary exercise of privilege would prevent a compliance with the provisions of the Cherokee treaty, or create a necessity of yielding back to the Cherokees four million seven hundred thousand acres of the Arkansas territory, the united interests of the southern and western sections of our Union, would be entirely overlooked, if the exercise of the privilege, under the provision of the Creek treaty should not be confined within reasonable limits.

In connexion with this branch of the subject, I deem it my duty to present to the notice of the department what appears to me would be the best means of providing, ultimately, an acceptable country for the Chickasaws and Cherokees east. Col. Reynolds and a party of Chickasaws will leave here to-morrow to join Col. Gaines and party of Choctaws, to proceed on their exploring duties. From Col. R. I have learned the object. The whole of the country here is already ceded by treaty; though, by the contemplated arrangements with the Choctaws, for the south side of the Arkansas and Canadian, an ample country may be procured for the Chickasaws; but, under the arrangement, it will be still out of the power of the Government to provide an acceptable location for the Cherokees east; and until that can be done, it appears to me, the existing difficulty with them cannot be judiciously adjusted. They are strongly opposed to be again amalgamated with this part of their nation; and, therefore, I would suggest, that if a portion of the country south of Red river could hereafter be obtained, for the ultimate location of the Chickasaws, and a portion of the country south of Arkansas, procured for the Cherokees, and set apart with the four million seven hundred thousand acres in the fork of Canadian and Arkansas, already ceded to Cherokees, it would present to the old nation an inducement which, I think, could not fail to produce a favorable influence. Permit me to add, it ought not to be thought strange that it should be deemed necessary, and essentially so, too, in providing an acceptable country for the Cherokees east, that a portion of the Choctaw land, (now contemplated in part for the accommodation of the Chickasaws,) to a limited extent south of Arkansas, should be added to the country already ceded by the Cherokee nation; the extensive prairies, and the long continued scarcity of water during half the year, renders many portions of this country entirely unacceptable. Such an arrangement would afford the present administration the means of putting to flight and to shame all objections from every quarter, and to demonstrate to the nation and the world, that its views are not only just and benevolent, but that the country, also, there provided for the permanent residence of the Cherokees east, would be entirely unexceptionable; and the effecting this desirable object would, in my opinion, present additional means of enabling the administration to unite to a full measure of national glory, the performance of the sacred duty of filling to the brim the largest measure of our country's justice.

The case of Gen. Houston, which had been originally referred for the decision of the Attorney General of the United States, previous to my arrival, has been permitted to rest; and I had felt it my duty to permit Gen. H. to expect that no step should be taken hastily, and without allowing reasonable time to obtain the decision originally sought. Gen. H. had been apprized, by Col. Arbuckle, of the decision of the department, (in your absence,) and upon his application, I forwarded (through Col. Arbuckle) Gen. H.'s appeal and illustration of the case, with a view to obtain a definite decision upon the appeal, which had been deemed most desirable when the case was just presented. I have apprized Gen. H. of the instructions, of 15th October, upon the subject; but feel, in some measure, under the necessity of waiting a reasonable time for the decision of the Attorney General, with a view to avail myself of its high authority in the discharge of my duty in relation to the subject; it being a new case, and not clearly provided for in the law regulating trade in the Indian country; he claiming, not as a citizen of the United States, but as a citizen, or member by adoption, of the Cherokee nation, the right to exercise all the privileges of a native Cherokee, under the certificate of adoption, which had been forwarded to the department by Col. Arbuckle. Gen. H. considers himself no longer a citizen of the United States, but as having fully exercised the right to expatriate himself from all the obligations of a citizen, and therefore refuses to make application for license to exercise a privilege which he contends is not restrained by the laws regulating trade and intercourse with the Indians; and having no reason to apprehend that any evil would result by awaiting the decision of the Attorney General, I have deemed it advisable to permit the case to remain suspended, until his decision could be transmitted for my government, with a view to be enabled to act more understandingly upon the subject.

I shall proceed immediately to obtain, from the representative of the late agent, all the books, papers, and other property belonging to the agency; and will report thereupon, and the state of the agency generally, without delay.

The authority given to draw bills will not enable me to obtain funds, without going to New Orleans for that purpose; and as it will require a large amount in specie to make a judicious and satisfactory payment to the Cherokees, I have deemed it advisable to apprise the department, that the best method of obtaining the requisite amount of funds would be, by furnishing the authority to obtain the whole amount from the bank at New Orleans, where insurance can be effected, and steamboat transportation procured, to this place, during the months of January and February, March and April, generally. The procuring of funds at any other place must necessarily create additional expense and risk; that transportation by steamboat to this place, is limited to a short period, and that any other mode of transportation is less safe, and more expensive; and, therefore, have deemed it advisable to wait for the authority requisite to obtain at once the whole amount due under the treaty, together with the whole amount allotted for the expenses of the agency, rather than incur the expense and risk of repeated trips to New Orleans during the low water period. The large amount required makes it particularly requisite that the department should enable me to avail myself, not only of the best means, but also of the whole of the limited season for safe and speedy transportation, to avoid the increased risk that might be occasioned from an unexpected low stage of water. The transportation of the funds to be allotted for the year 1831, ought also to be effected before the low water period.

The annuity of \$2,000 for three years, per 5th article of treaty 1828, amounting in the whole to six thousand dollars, should be considered as all due at this time, as they have already sustained an actual loss to more than double the amount. Therefore, this sum of \$6,000, and the permanent annuity of \$3,333 $\frac{1}{3}$ due for this year, together with the \$50,000 and the \$8,760 for spoliations, amounting, in the whole, to \$68,093 $\frac{1}{3}$, ought to be paid in specie; and a considerable portion of the amount due for improvements, and for the claims of the Georgia emigrants, should also be paid in specie; and the benefits resulting from a judicious and satisfactory mode of payment should not be neglected.

Permit me also to present to your notice, the claim of emigrant Cherokees here, for their portion of the annuity payable, at present, east of Mississippi. There are also numerous claims for provisions due to the emigrants here.

The site selected for the agency, is a few miles west of the territory, and on the bank of the Arkansas river; and the cost of the dwelling, office, kitchens, and stable, all built of brick, in a plain, substantial, workman-like manner, and enclosing the agency, is estimated at five thousand dollars.

The other points of duty, embraced in the instructions of the 15th of October, shall be duly attended to without delay.

I have, &c ,

GEORGE VASHON,

Indian Agent C. west.

Hon. JOHN H. EATON, *Secretary of War.*

FRIEND AND BROTHER: Whereas several private claims have been made out against the people of the northeast district of the Choctaw nation by certain white men, amounting to several thousand dollars, for private debts contracted by sundry persons of the nation; and, to satisfy these claims, Mushulatubbe, without the concurrence of the council, and in a state of intoxication, signed notes on the annuity belonging to the people of the district; the notes having been signed by Mushulatubbe, the holders of them went about through the district to different ignorant captains and procured signers, and sent them on to you to receive payment out of the annuity: now, therefore, we, the undersigned head-men, captains, and warriors of the northeast district, in council assembled, have inquired into the fact, and Mushulatubbe and other captains who signed the notes, have, in presence of the council, declared that they have been entirely taken in by imposition. We consider such course, taken upon the ignorant and uninformed, to be, in a very high degree, unjust; and therefore we cannot but hope that, by your great friendship to the Choctaws, you will interfere and see that the annuity may not be unjustly taken away from us. All the debtors are willing to pay without the district becoming responsible for the debts; and, in fact, our nation shall never become responsible for any private debts.

We are respectfully, &c.,

MUSHULATUBBE, his x mark,

And thirty-two other Choctaws.

DANCING RABBIT,

Choctaw Nation, December 3, 1830.

I certify the above was written and signed in open council, &c.

DAVID FOLSOM.

To the Hon. JOHN H. EATON,
Secretary of War.

CHOCTAW AGENCY, *December 8, 1830.*

SIR: Your letter of the 13th ultimo is at hand, and its contents shall be duly attended to.

George Harkins, I mentioned in my former communication had gone to see the country west of the Mississippi, before Mr. Gaines got ready with his party, has just returned. Captain Harkins was appointed chief in place of Leflore, whilst he was gone on the exploring tour. Harkins was here yesterday, and says he is more than deceived at any idea he had of the lands of the Choctaws on Red river. He says that there is land enough for all the tribe on Red river, equal to the rich lands about Lexington, Kentucky. Robert Folsom, the brother of Colonel D. Folsom, was with Harkins; and has also returned greatly pleased beyond any thing you can imagine. He has called a council of his warriors and neighbors, and has told them he will go off immediately, and not wait until the Government makes provision for the Indians who may remove. Harkins told me that he met upwards of one thousand Choctaws on their way to their new homes. He said they were driving their cattle and hogs, and packing their horses with children, provisions, &c.

Now, you see, every thing is going on right and smoothly, without any difficulty, as the designing party see they can do nothing to change the great current of the best interests of these people.

I have, &c.,

W. WARD,
Choctaw Agent.

Hon. JOHN H. EATON,
Secretary of War.

CHEROKEE AGENCY, *December 11, 1830.*

SIR: John Moseley, who enrolled last spring, but too late to get off before the emigration was stopped, has come this fall, with his family and the wife and child of Moses McDaniel, who went the spring before last, and left them behind, and a widow McDaniel and her two Indian children, and thrown themselves upon the Government. As Moseley's improvement had been taken possession of by white men as soon as it was valued by the assessors, and they were without house or home, I thought it best to receive them, and give them the articles promised, and a boat and provisions, and send them off. But a difficulty has presented itself about provisions. The contractors deeming their contract at an end, when the emigration was stopped, had made no provision for supplying any more. The contract was for during the continuance of the emigration; and as I doubted whether I could force them to supply, I would have supplied those few temporary rations myself, but had no funds applicable to that purpose. They have, however, agreed to furnish those few now required, and trust to the Government to pay them what is just for them. I have persuaded those few emigrants who are here, to wait a few days, to see if some other stragglers, who have enrolled, will not come in and go with them, as I dislike to give them a boat for so few; there being only eleven persons in all.

Whilst writing, I have received a letter from the contractors, on the subject of rations, which I have enclosed.

Very respectfully, &c.,

H. MONTGOMERY.

Honorable JOHN H. EATON,

Secretary of War.

CALHOUN, (Tenn.) *December 10, 1830.*

SIR: I received from you, a few days since, a small requisition for rations, to supply the emigrating Cherokees. We will furnish them agreeably to your request, but not on the old contract, for two reasons. One is, that we have believed that our contract was null and void when the emigration was stopped; and another is, that provisions are at present so high, that we cannot save ourselves on the contract. We think the Government does not wish to oppress its citizens in any case; and it would be extremely hard for us to furnish now, at five and a half cents per ration, when pork is at from three to four cents, and corn in proportion. It is our wish to furnish what rations you may need, provided that we get a fair price for them; and we think, taking every thing into consideration, that we cannot furnish for less than eight cents per ration. As to the temporary issues, we will continue to furnish them, and leave it to your discretion.

With due respect, &c.,

JOHN L. McCARTY & CO.

Colonel H. MONTGOMERY.

December 14, 1830.

The President, with his respects, encloses to the Secretary of War a memorial just presented to him by John W. Quinney, delegate from the Stockbridge and Munsee tribes, for his report thereon, that justice may be done to the memorialists, if it has not extended to them.

The Secretary will, as soon as a report of the case can be made, see the President on this subject, so that a time may be set when he will see the delegation and give them an answer to their memorial. The Secretary of War will, for this purpose, say to Mr. Quinney that he will notify him of the day when the President will be prepared to see them.

WASHINGTON, *December 14, 1830.*

GREAT FATHER: Your red children of the Stockbridge and Munsee tribes, who have emigrated from the State of New York to Green Bay, send through me their salutations to you and your wise men, who are sitting around the great council fire to deliberate upon the welfare of your nation, and have entrusted me to make known to you their wishes and their wants. We thank the Great Spirit who has given us a father, who always attends to the cries of his red children.

Difficulties and doubts have arisen in the minds of our people, in regard to their true situation, which we wish to have settled this winter. We de-

sire to understand our situation fully, and to know what we have to depend upon. It was hoped, when the late commission arrived at Green Bay, that all things would have been finally adjusted, and an allotment of lands made suitable to our wishes and sufficient for agricultural purposes. This, father, so far as our interests are concerned, has not been done. In the application now made it is intended to set forth the claims and wants of the tribes which I represent, without any connexion with our brethern of the Six Nations; and it may be necessary to explain the origin of our association with them in the negotiations of 1821 and 1822. Many years ago the Miami and Maumee and other tribes granted to the Stockbridge, Munsee, and Delaware tribes, a large tract of country on White river, in the now Indiana State, whither the Delawares and a portion of our tribes immediately removed, and our people remained there until the late war, when they were obliged to return to the State of New York. At the restoration of peace we contemplated a reunion of our people upon White river, and a portion of the Stockbridge tribe accordingly fitted out in the year 1818 to go on in advance of the rest; but ere they arrived at the place of their destination, the Delawares alone had sold to the United States, at the treaty of St. Mary's, (Ohio,) all the lands which were owned jointly and equally by themselves and their brethren, the Stockbridge and Munsee tribes. In 1819, the Stockbridge made an application to the Government for redress; in 1820, they renewed their application; and, in 1821, they and the Munsee tribe agreed to relinquish their claim upon the White river to the United States; provided that, besides the payment of three thousand dollars, they should be assisted in procuring a country somewhere to the westward, and which was to be confirmed to them and their posterity for ever. About this time the Six Nations, and other residents in the State of New York, under the auspices of the United States Government, were deeply engaged in securing a country some where to the westward for their future residence; and the Stockbridge and Munsee tribes having now the same object in view, co-operated with them, and sent a deputation to Green Bay, the same year, supported and protected by an agent from the Government, specially deputed for that purpose. Thus, father, has arisen a connexion, which we have no other objection to, save that we are anxious to urge our stronger claims particularly and alone. Of the consideration paid to the Winnebagoes and Monomnies for the sale of their lands in 1821 and '22 we contributed the one half; and we think it nothing but proper and fair, that whatever may be your opinion as to the quantity, the New York Indians, as a whole, are entitled to, we should receive that proportion, rightfully to be expected from the pledges of the Government at the sale of the White river tract, and from the amount of our contributions in the negotiations with our brethren of the west. In the report of the late commission we are set down for six thousand acres, at the Grand Kakalin of Fox river; and were told that if this was insufficient for our wants, a portion of our brethren might cross the river and reside on the tract there allotted to the Oneida and other tribes. To this arrangement we have to oppose the strongest objections; our father is well aware of the inconvenience and injury a separation of this sort would produce; besides which we are now settled on the east side of the river, and have already made, at great expense and hard labor, extensive improvements in clearing lands, building houses, mills, &c., &c.

We ask, therefore, father, to have allotted to us, the Stockbridge and Munsee tribes, all that portion of land, being a part of the tract the New

York Indians proposed to accept of the United States' commissioners in a final adjustment of their claims, comprehended within the following boundaries, viz.: beginning at the southern boundary line of the purchase, in 1821, from the Winnebagoes and Menomonies; thence, running down the Fox river to the upper or southern line of the cession, made by the New York Indians to the Brothertown Indians in 1825; thence, running east with said line to a point fifteen miles from the river; thence, south to the upper or southern boundary line of the purchase of 1821 aforesaid; from thence, northwest along said last mentioned line to the place of beginning, on Fox river.

We wish moreover to know if the decision of our great father, in the case, will be final, and prevent all further difficulties, and by what tenure we are to hold these lands; this question involves all that is dear and valuable to us. We hope, therefore, that you will inform us certainly and fully. Father, we wish a home; give us that home; let it be free from intrusion, violence, and the interests of strangers, and we shall be content. We will bless you and teach our children to bless you, and the Good Spirit will bless you.

Father, we understand a question has been made, by interested white men, in regard to the validity of our treaty with the Menomonies, in 1822. It is not necessary for us here to enter into a vindication of our proceedings, and to establish the engagements of each party in that transaction as being fair and for ever binding; the ratification by our great father, President Monroe, saves us in this. But we wish to lay fast hold of your good opinion, and for this purpose desire that you will ascertain yourself of all circumstances connected with that transaction. To avoid difficulty with our western brethren, we and our confederates, the Six Nations, proposed to the commissioners to relinquish all the rest, provided a small part, (which was then defined) was secured to us for ever. The same overture is still made and your concurrence most ardently desired.

Great father, may you live long and rule this nation in peace and happiness.

JOHN W. QUINNEY,

*For and in behalf of the Chiefs and Head-men of the
Stockbridge and Munsee tribes.*

To his Excellency the PRESIDENT OF THE UNITED STATES.

DETROIT, December 20, 1830.

SIR: Pursuant to the instructions of the department, of August 5, 1830, the several agents and disbursing sub-agents of this superintendency were immediately informed that funds would hereafter be remitted to them directly from the Treasury, and were required to forward their estimates hereafter at the commencement of each quarter.

So far as respects the ordinary disbursements of these officers, and all the disbursements of Mr. McElvain, Indian agent at Columbus, and of General Tipton, Indian agent for Indiana, there is nothing in this arrangement which may not be easily carried into effect. But with respect to the specie annuities, payable upon this frontier, the case is far different. This specie must be brought from the city of New York. It cannot be procured nearer, and confidential persons are every year sent from here to bring it on.

When received here it is divided; and as favorable opportunities occur, it is sent at a small expense to the various points of distribution.

These are as follows, viz.:

Paid by L. T. Lloyd, disbursing sub-agent at the Maumee, to the					
Ottaways,	-	-	-	-	\$3,600
Paid by H. Conner, disbursing sub-agent at Detroit,					
To the Chippewas of Saginaw and Flint river,	-	-	-	-	3,200
“ Salina,	-	-	-	-	
“ River St. Clair,	-	-	-	-	600
“ Ottaways of Grand river,	-	-	-	-	1,700
“ Christian Indians,	-	-	-	-	400
Paid by John H. Kinzie, disbursing agent at Fort Winnebago,					
To the Winnebagoes,	-	-	-	-	15,000
Paid by the agent at Chicago:					
To the Pottawatamies generally	-	-	-	-	26,000
“ of St. Joseph	-	-	-	-	1,000

It will be seen that there are fifty-one thousand five hundred dollars annually paid in specie at these different stations, and with the exception of the annuity at Fort Winnebago, these payments are the result of various treaties, heretofore held; and the appointment among the different bands has been made with their consent and approbation, and it would be very impolitic, and cause much dissatisfaction, now to disturb it. If drafts were remitted directly from the Treasury to these officers, either this arrangement must be broken in upon, or a tedious division must be made at the department, assigning to each their just proportion, under the respective treaties and acts of appropriation. And besides, all these officers would then be compelled to go from their places of residence, at the busiest season of the year, to the city of New York, to procure the necessary specie. For it is certain, that not one of them would be willing to encounter the risk of having these funds brought by third persons. And even if they should, these separate transportations would increase the expense to an enormous amount, and far beyond any advantage to be derived from the proposed arrangements. Passage up the lakes are casual; and independent of all other delays, weeks might pass away, and the persons in charge of the silver be detained here, waiting an opportunity of conveyance. The present arrangement brings the money here at the smallest possible expense; and here it is detained without charge until vessels are found ready to proceed above.

I merely state these facts for the consideration of the Secretary, being certainly very willing to be absolved from the responsibility of having this specie transported to this place, and here divided and sent to its final destination. But at the same time feeling it my duty to advert to the inconvenience and expense which must be the result.

I enclose, herewith, an estimate of the annuities for the year 1831, which, it appears to me, should be forwarded to this place, and distributed, as heretofore, among the various officers making these payments. To this I also annex an estimate of the expense necessary to be encountered in its transportation, including all the expenses at the various points, which can only

be adjusted when the nature of the opportunities for sending the specie from here shall be known. I think, therefore, it is best that the whole sum allowed under this head should be sent to me, to be divided as circumstances shall require. This estimate excludes the agencies of Ohio and Indiana. I annex to this, also, the sum allowed for clerk hire, office rent, &c., and these items constitute the whole amount, for which I submit an estimate of the funds necessary to be sent to me. Every thing else will appear in the estimates of the agents and disbursing sub-agents.

Very respectfully, &c.,

LEWIS CASS.

To SAMUEL S. HAMILTON, Esq.

WASHINGTON CITY, *December 22, 1830.*

SIR: Delegated by the constituted authorities of the Cherokee nation, to represent the grievances and wishes of the Cherokees, we beg leave, in the discharge of this trust to call your attention to some of the existing difficulties and troubles under which they now labor.

We would respectfully inquire, first, whether the Executive will not reconsider the decision made relative to the boundary line between the Cherokee and Creek nations, or shall it be considered by the former as final and binding? Are the lands south of the line, designated by the Executive, and termed "Coffee's line," the Cherokees having been expelled thence, considered as already belonging to the state of Georgia, and subject to disposal at her option? We cannot bring to our minds the justice of the decision, nor can we perceive the slightest ground upon which Georgia can rest even a plausible pretext for a claim to these lands. They have, it is well known, always been in the possession of the Cherokees, and never at any time to have been claimed by the Creeks. If there had been conflicting claims to these lands by the two nations, they were amicably adjusted, and a marked line established, many years since, before Georgia even thought of raising up any such claim as is now unjustly contended for, or the treaties concluded under which she pretends to derive a right to them. The right of Indian nations to settle questions of disputed boundaries between themselves, was admitted by the Government at an early period of the history of Indian relations, under the Constitution of the United States. It was a subject of investigation during the early part of President Jefferson's administration, and originated from some difference of opinion between the same nations as to the just extent of their respective claims to territory. The subject was introduced by a deputation of Cherokee chiefs, before the War Department, headed by the Glass, a chief noted for his mental powers, and who visited Washington in 1801. The reply directed by the President, and made by the Secretary of War, on the 3d of July in that year, is in the following language: "It will be very difficult for the President to ascertain the lines between the several countries of the red people. *They must settle all such controversies among themselves.* If you cannot agree, how shall we be able to decide correctly?" Upon language so explicit, and from such a source, we can offer no comment. By reference to the treaty of 1806, between the United States and Cherokee nation, concluded during the administration of the same eminent statesman, it will be seen that this right

is clearly admitted to belong to the Indian nation; and that they alone are most competent to decide correctly, on such matters, the facts of which are best known to themselves. It will be useless for us to dilate further on the subject of this right. There are, we presume, sufficient documentary evidence in the department to satisfy even the most sceptic, that, in determining upon the line of 1821, neither the Cherokees nor Creeks ceded any portion of their lands to the other, or in any other way violated principles established by their treaties. In the event that the President be not disposed to reconsider the decision, we trust that it will not be thought presumptuous on our part to request, in behalf of our nation, that the subject be referred to the consideration of the present session of Congress.

Secondly. Your attention is solicited to the present situation of the gold mines within the acknowledged limits of our nation, and to the intruders permitted to infest our border settlements, and in some instances, penetrate far into the interior of the country, to the great annoyance of our citizens.

The Cherokees relied with great confidence upon the assurance given by the President last spring, to their delegation, that they might "*rest assured that he would protect them in their territorial possessions;*" for which purpose they supposed the troops ordered into the nation: and hailed their arrival as a happy means of being relieved of many and serious evils. They soon found causes, however, as they thought, to believe there were other objects in view. Intruders, who had flocked from adjacent States to the gold mines, were removed, and during the stay of the troops, kept at a distance. The salutary effect of this measure, however, was destroyed, by a rigid enforcement, by the military, of an "order," said to have emanated from the Department of War, to prevent even natives from digging for gold upon their own soil. They were placed under armed guards, driven in the ranks of lawless intruders, and shared alike the ill treatment merited only by those who had violated the laws of their country, and overleaped all bounds of justice and humanity, to prey upon the rights and the property of the Indians. Those who returned to the mines, after their first expulsion, were again visited by armed forces, and again experienced much of the former summary mode of treatment. Stations of troops, were made at different places, to prevent not only the return of the whites, but also of the *natives*. Thus were they treated by the authority of the executive Government, and thus were they openly declared, *by force of arms, intruders* upon the very territory, in the rights of which, they had been assured and reassured by the President of the United States, *he would protect them!* They were unconscious of improper or unlawful conduct. They possessed, surely, an undeniable right to use their lands as they pleased, and to have expected, in the meantime, the kind and fostering care of the Government. They are unable to apply a construction to these things, unless by a connexion of them to the policy of Georgia. The troops have now been recalled, and whether it be for the purpose of affording to that State an opportunity to take possession of the mines, as it is known that the meeting of the Legislature was called earlier than usual, to devise some means to do so, we are not yet informed. Intruders are returning, and the country left exposed to their ravages. As it regards the agent, the nation derives no benefit from his agency, as at present managed. We protest [against] the right of Georgia to interfere in any way whatever with our local concerns, our gold mines, or our lands; and appeal to the laws of the United States, and to subsisting treaties, as conclusive authority. Can she take possession of our mines

without intruding upon our "territorial possessions," and without depriving us of rights which the faith of this Government has been most sacredly pledged to protect us in? If, by the withdrawal of the troops, the protection of the Government is not to be understood as being also withdrawn, permit us to inquire whether we have any just right to expect from the Executive protection, and if any, in what respect and to what extent? There are many intruders on the Georgia frontier, that have not been molested for two years, as well as others on the frontier of other states.

Thirdly. The payment of our annuity, is another subject of much importance to the nation. The mode heretofore pursued, it seems, is to be changed, and another adopted; which we beg leave to say, is highly disapproved of by the whole Cherokee nation. This is a fund due to our nation, as a nation; and is not stipulated to the individuals thereof, as such. In accordance with our views, the Government will have fulfilled its part of the contract, by paying it to the authority of the *nation*, and is bound, moreover, so to do; and can exercise no control over the fund further than that. If the authority of the Cherokee nation, deems it proper to distribute this small sum among its thousands of inhabitants, it is for them to do so; or to place it in a treasury, if deemed more conducive to the interests of the people. In support of this opinion, we can refer you to a declaration made by Thomas Jefferson, while President of the United States, to a deputation of Cherokees, in May 1808, and is contained in a written address. The upper Cherokees, had complained against the lower towns, as withholding from them what they conceived to be a just share. He uses the following strong and explicit language: "You complain that you do not receive your just proportion of the annuities we pay your *nation*; that the chiefs of the lower towns take for them more than their share. My children, this distribution is made by the *authority of the Cherokee nation*, and according to *their own rules*, over which we have *no control*. We do *our duty* in delivering the annuities to the *head-men of the nation*, and *we pretend to no authority over them; to no right of directing how they are to be distributed.*" Here is a distinct avowal and admission of all we contend for, or ask for; and if further authority were necessary, we could refer to the practice of the Government, from the year 1785 down to the payment of the last annuity, in 1830; a series of payments after payments, made in perfect unison with Mr. Jefferson's declaration, for forty-five years. Complaints had been made to him, and that was his reply; but now the mode is to be changed, at a time when all complaints have been lulled into silence for many years; and the strongest interest felt by all the Cherokees to have this fund appropriated by the chiefs, to the support of the Government of the nation. If the Executive can so far change the binding obligations of treaties, and the practice of the Government for forty-five years, contrary to the well known wishes of one of the contracting parties, what is to prevent an entire withdrawal of the fund? If distributed, as contemplated by the late *order*, there will be no possible advantage to our people, arising from its payment, even if they should consent to receive a proportionable share; which, however, will be for an experiment, to prove what their determinations are in that respect. We trust the President will further consider this subject, and order the payment as heretofore.

We hope the subjects of this communication, will meet an early attention. We have spoken frankly, and trust that nothing will be so understood, as intending disrespect to any. The Cherokees, permit us to say, are resolved

to remain on their lands, guarantied to them by all the solemnities of treaties; and are clearly convinced that it is within the constitutional powers of the Government to afford them protection, from all the difficulties that beset them, or threatened; and that this can be effected by measures of peace. Georgia, we cannot believe, will be so far regardless of her own glory and reputation, as to rise in arms against the Federal Government, for exercising powers which she in part delegated, and is bound to the performance of, when circumstances required. We harbor no such unjust fear, or expectation. If the Cherokees have rights, ought they not to be respected, in the manner contemplated by the course of policy, heretofore practised by the American people, through a long succession of years? If, on the other hand, they have ceased to be a people, capable of possessing and enjoying the rights of a distinct community, or beings of intelligence, the crisis has now arrived, when it has become due to them, to be treated accordingly, that they may no longer indulge in hopes of realizing unjust expectations.

With respect, we have the honor to be,

Your obedient servants,

R. TAYLOR,

JOHN RIDGE,

W. S. COODEY,

Cherokee Delegation.

Hon. JOHN H. EATON,

Secretary of War.

CHOCTAW NATION, *December 23, 1830.*

DEAR SIR: We are, on the treaty at the Dancing Rabbit, in council, assembled few in number. It was a secret kept by them, that we were to assemble and accede to any thing that they should propose. There are several traders who have been in our nation, trading with our people, and have great accounts. I have no education; therefore, it appears to me that you have taken all advantages of us; therefore, we request that you, and every gentleman in Congress, to do all they can for us poor red people, as we are distressed and obliged to leave our country, and leave our native land and go to the west. I am but one individual, but I am authorized by our headmen to write to you to do the best, and all you can, for the poor red people.

I am your most obedient friend,

And humble servant,

JOSEPH KINCAID.

ANDREW JACKSON,

President of the United States of America.

FRIENDS AND BROTHERS: We are obliged to write to you that we, as a comparison, have been in the habit of hiring men, which, if he performed, we paid him well; if not, we turned him off without any pay. We have employed and paid Yankee missionaries for twelve years; for which, we have received no compensation. We have never received a scholar out of their schools, that was able to keep a grog shop book. When we found that we could get nothing from them, we established an academy in Kentucky, under the direction of the President and the superintendence of R. M. Johnson; from which, we have received a great number of first rate scholars. For the missionaries under the direction of Cyrus Kingsbury,

they have six years of annuity coming to them of the appropriation made to them for services that they promised to render to us, which they have not performed. Therefore, we request that they should get no more of our money. This is all that we have to say to you; but we have lost all confidence in the missionaries, and humbly request that they get no more of our money.

With respect,

MUSHULATUBBE, his x mark.

JOSEPH KINCAID, his x mark.

OKLABBE, his x mark.

ISPIAHOMAH, his x mark.

HIRAM KING.

PETER KING.

CHAS. KING.

JAMES M. KING.

Test: M. MACKEY, *Interpreter.*

The Honorable ANDREW JACKSON,

President of the United States.

BROTHERTOWN, *December 27, 1830.*

The petition of the undersigned respectfully sheweth, that your petitioners are of the tribes of Indians called the Mohegan, Montouck, Stonington, Narragansett, Pequots of Groton, and Nahantic Indians, who were formerly called the New England Indians; and that we, the said Indians and our fathers, having procured of our brothers, the Oneida Indians, in the year 1774, a tract of land, then a wilderness, in the now county of Oneida, and State of New York, where your petitioners have since resided, by the name of the Brothertown Indians; that your petitioners immediately after were surrounded by a dense population of white people; and although agriculture has been the exclusive pursuit of your petitioners for some generations past, yet have they experienced many inconveniences, arising from the smallness of the territory. They were again induced to turn their attention to the wilderness, to procure a residence amongst their brethren to the West. In the year 1809, your petitioners sent a delegation to the Delawares and Miamies, in the then Territory of Indiana, who agreed for a tract of land on White river; and in the year 1817, they sent another delegation to the said nations, to renew the covenant by which the Delawares had conveyed to your memorialists a part of their country on White river, in the most solemn manner, agreeably to the ancient customs among Indians. But before your memorialists could remove on to their newly acquired lands, the Government of the United States purchased the whole country of the Miami and Delaware tribes of Indians; by which purchase, your petitioners lost their country, and all they had expended in acquiring it; and in the year 1824, the Stockbridge Indians, and Oneida and other tribes, of the State of New York, invited your petitioners to join with them, and purchase land at Green Bay; and having seen the treaties between their brethren, the New York Indians, and the Winnebago and Menamonie tribes, of the years 1821 and 1822, for a tract of land at Green Bay, and that the President had approved and ratified the same, your petitioners accepted the invitation, provided their brethren, the Menomo-

nies, would consent to our purchasing a piece of land of the New York Indians. And at a council held in September, 1824, by the Menomones, and a delegation of your petitioners, the Menomonie tribe kindly invited the Brothertown Indians to come and settle in their country; that the path was clear, and there was not a bush in their way; and that they were willing they should purchase the land of the New York Indians, as had been proposed. And no obstacle appearing, your petitioners purchased a piece of land, eight miles wide, on Fox river, and thirty miles long; for which, they paid nine hundred and fifty dollars to the Menomones, besides the expense of conveying the goods to Green Bay, and furnishing provisions to the Menomonie tribe, while collected to receive the goods, &c., which amounted to four hundred and fifty or five hundred dollars more.

Your petitioners believed that all parties were mutually satisfied with the arrangement, and your petitioners were making preparations to remove to the wilderness of Green Bay, and settle on the lands they had purchased; but, in the year 1827, Governor Cass and Colonel Thomas L. McKenney, commissioners on the part of the United States, made a treaty with the Chippewa, Winnebago, and Menomonie tribes of Indians, at the Butte de Morts; and the commissioners took a cession from the Menomonie tribe of Indians, of a tract of country about six miles wide, on each side of the Fox river, from the Grand Kackalin, or rapids, to its mouth, which included the most valuable part of the land purchased by your petitioners. But your petitioners were happy to learn that the President, in his approval of the aid treaty, *reserved* to the New York Indians all the rights and claims they, or either of them, had to the lands mentioned in said treaty, as expressed by the resolution of the honorable the Senate of the United States, of the 19th February, 1829. In the same treaty, our brethren, the Menomones, referred all their claims to the decision of the President of the United States; and inasmuch as the Menomones held a right in common with the New York Indians in the purchase of 1822, it was desirable to have a division of the lands, agreeably to the just rights of the parties. To obtain such division, the New York Indians petitioned the President to appoint commissioners to make partition of the lands between the Menomonie and New York Indians, and to assist the New York Indians in dividing their lands among themselves, and for establishing such metes and bounds between them as could be agreed on by the parties. In compliance with the said petition, the President did appoint the honorable E. Root, James McCall, and John T. Mason, esqrs., commissioners, to make partition of the lands between the New York Indians and the Menomones. The said commissioners met at Green Bay in August last, and held several councils with our brethren, the Menomones, and such of our brethren of the State of New York, as were at Green Bay. Our brethren, the Menomones, were apparently under the influence of the French, and other inhabitants settled at Green Bay; insomuch, that they would not consent to any reasonable compromise relative to the division of said lands, which they had sold and received their pay for. And it appears that the honorable commissioners thought proper to set apart a tract of land for your petitioners, beginning on the east side of Fox river, at the corner made by Thomas Dean, near the foot of the rapids called the Little Kackalin; thence, up Fox river to the mouth of Plum creek, five miles, and extending back this width, south forty-five degrees, east far enough to make twenty thousand acres, being a part of the land which your petitioners purchased and paid for, as above-mentioned.

Your petitioners are not disposed to complain of any unkindness on the part of the honorable commissioners; on the contrary, they avail themselves of this opportunity to assure the President of the high respect they entertain for the honorable gentlemen; but your petitioners cannot do justice to their own feelings, without stating to the President, that they believe that the honorable commissioners were parsimonious, in setting off so small a piece of land to your petitioners, inasmuch as it would be but about one-eighth part of what they purchased, and something less than fifty acres to each person.

And were we to estimate the various sums expended by your petitioners in procuring the land, it would amount to about fifty cents per acre, which is nearly as high as the United States sell their land after it has been surveyed, if that part of the twenty thousand acres which is not fit for cultivation be deducted. Therefore, your petitioners pray that the President would be pleased to confirm an extension of said location, by beginning at the place mentioned by the commissioners, and extending up Fox river eight miles; thence, back this width south forty-five degrees, east twelve miles, or so far as to contain sixty-one thousand four hundred and forty acres; and would be a little less than one hundred and fifty-three acres to each person. And, if that part of it which is unfit for cultivation was excluded, it would be about one hundred acres of tillable land to each person, which your petitioners do not believe is an extravagant quantity for an agriculturalist. Your petitioners take the liberty to mention, that they never anticipated or intended the purchase of a large tract of country for the purpose of hunting, but they purchased the lands for themselves and their posterity, for *agricultural purposes*. That has been the principal pursuit of ourselves and our ancestors for nearly one hundred and fifty years.

Your memorialists believe that the possession of one hundred and fifty or two hundred acres of land for each individual, would rather increase the agricultural enterprise of your memorialists than diminish it. Your petitioners rely on the justice and magnanimity of the Government of the United States, with a full confidence that the President will deal with his red children with parental kindness, and deal justice to them, as their circumstances and equity require.

Your memorialists would further mention, that it would be very desirable to be informed of the pleasure of the President respecting their lands at Green Bay at soon as consistent, inasmuch as your petitioners anticipate having their land surveyed into lots for each individual, as soon as it is ascertained what quantity of land they are permitted to hold. It would be very desirable to your petitioners to have the land which may be set off to them, confirmed to them by an act of Congress, that your petitioners may have a title in fee simple to their lands.

And your petitioners, as in duty bound, will ever pray.

RANDAL ABNER,
ELIPHALET MARTHES,
WILLIAM DICK,
ASA DICK,
THOMAS DICK,
B. G. FOWLER,
GEORGE CROSBY,
JAMES NILES, his x mark,

} Peace-makes
and
head-men.

JOSEPH PALMER,
 JOHN JOHNSON,
 JACOB FOWLER,
 JESSE CORRECOMB,
 NEWTON MOSSUCK,
 JOHN ONION,
 AARON POQUINANTRY,
 THOMAS COMMUCK,
 THOMAS WIATT,
 CHARLES SEKETER,
 DANIEL WIATT,
 DANIEL DICK,
 NATHAN PAUL,
 RICHARD SCIPIO,
 ELKANAH DICK,
 CALVIN SCIPIO,
 JACOB SINNARD,
 SOLOMON PAUL,
 WM. CROPLEY,
 SIMON ADAM,
 DAVID JOHNSON,
 LATHROP DICK,
 RODOLPHUS FOWLER,
 WM. JOHNSON,
 SETH MATHERS,
 THEOPHILUS FOWLER,
 DAVID SAWSER,
 ISAAC WAUBEY,
 SAML. SKESUCK, JR.
 JAMES FOULD,
 JOHN DICK,
 SAML. SCIPIO,
 ISAAC SCIPIO,
 SAML. JAMES,
 GEORGE SCIPIO,
 CHARLES ANTHONY.

To his Excellency ANDREW JACKSON, Esq.,
President of the United States of America.

WASHINGTON CITY, December 27, 1830.

SIR: Authorized by George Quaty and Noking, who were entitled by the treaties of 8th July, 1817, and 27th February, 1819, between the United States and Cherokee nation, to reservations, agreeably to the provisions of said treaties, as citizens, and residing upon the portion of ceded territory, but who have been expelled by violence on the part of certain white men, and having failed by a course of law in Tennessee to recover possession, I do now present, in their behalf, their claims against the Government for indemnification under the above-mentioned treaties. The transcripts submitted herewith will show in what manner they have been treated, and in what way deprived of the benefits guarantied to them by the provisions of said treaties. The certificate of the United States' agent for our nation will

show that their names were registered in the agency office as required. There can be no doubt as to the justice of their claims upon the Government; and they trust that justice will be extended to their relief, without much further delay.

Very respectfully, &c.,

W. S. COODEY.

Honorable JOHN H. EATON, *Secretary of War.*

NATCHITOCHES, *December 29, 1830.*

SIR: Having been absent at New Orleans to obtain my funds, I did not learn, till within a few days since my return here, of the late conduct of the Quapaw Indians on Red river. Mr. Irwin, gun-smith, came down to inform me in my absence, and remained till my return. He says that, last month, the Quapaws on Red river, under their chief, Hacketon, departed for Arkansas almost to a man, accompanied by a fellow named Bernard Bone, partly of Quapaw blood, and of notorious bad repute here as a liar and mischief-maker. I am credibly informed that they waited on Governor Pope, and stated to him that they had neither agent, interpreter, nor gun-smith, on Red river; that they could not obtain their money, and were in a state of starvation; and that Hacketon and Bone have accompanied Mr. Sevier to Washington city.

In the first place, I pronounce any communication, like the one said to have been made to Governor Pope, entirely false, and without pretext or foundation, except in the evil intentions of Indian advisers, and, perhaps, deluded imaginations of the Indians. I will now proceed, sir, to submit the facts which go to refute such assertions, and, if required, pledge myself to prove every one of them to be true.

I arrived here in the latter part of June last, and, as speedily as practicable thereafter, made it known to the Indians generally, both above and below. On the 3d of August following, I was waited upon by a delegation sent by the Quapaw tribe, the object of which is explained in my accounts, (voucher 13, and accompanying papers.) About the 1st of October last, I held a talk with the whole tribe on Red river at the Caddo prairie. At this time, I informed them that I had not yet obtained the balance of their annuity for them, though the customary time, (September,) for the payment had already elapsed; but that I expected, on my return to Natchitoches, to obtain authority to go to New Orleans for it; and thence, with all despatch, I should hasten with it to them. They professed to be well satisfied, not only with this assurance in regard to their money, but, when here in August, as well as at the prairie in October, in the presence of their interpreter, the gun-smith, (the last of whom was present by my request,) and others, they unhesitatingly acknowledged themselves to be well satisfied with the conduct of both these functionaries, and joined their wishes with the Caddoes to have the agency removed below lake Sodo, where they knew of land that pleased them that was not subject to overflow like that on which they then lived: said they had plenty of corn, and were contented.

I have been compelled, from the lowness of Red river, to travel on horse-back to the Mississippi river, and back the same way, with the silver to pay the Quapaw annuities; and in a few days shall proceed on with it to the Caddo prairie, and there hold myself in readiness to pay the same over

to said tribe, when they shall present themselves in a way to receive it, in conformity with your circular instructions of June last.

I have the honor, &c.

J. BROOKS,

Indian Agent.

Hon. JOHN H. EATON,

Secretary of War.

DETROIT, *December 29, 1830.*

SIR: Agreeably to the wish expressed in your letter of the 8th instant, I called upon Mr. Hunt for the maps, &c., referred to in the report of the commissioners for adjusting the difficulties between the New York and Menomonie Indians, with a view to their immediate transmission to the department. He states that they were forwarded sometime since, and I presume you have ere this received them.

Very respectfully,

Your obedient servant,

LEW. CASS.

SAMUEL S. HAMILTON, Esquire.

DELHI, *December 1, 1830.*

SIR: I have received yours of the 23d November, informing that Mr. Hunt, the secretary to the commissioners for adjusting Indian boundary at Green Bay, has recently forwarded the returns for disbursements on account of their expenses, but no report has yet been received informing the department of the proceedings of the commissioners, or of the result of their labors. The report, to which you refer, was sometime ago enclosed to Mr. Hobbie, Assistant Postmaster General, with a request that he hand it over to the Secretary of War. I presume you now have it in your office.

When we came from Detroit in the latter part of September, we had left with Mr. Hunt various proceedings, documents, and vouchers, also our report on the fiscal concerns of the mission, together with our journal, and two maps, made by Mr. Ellis, the surveyor, to be forwarded to your department. Gov. Cass had kindly consented to assist Mr. Hunt in making the proper arrangement for their transmission. The journal and maps were probably confided to the care of Major Biddle, the delegate from the Territory of Michigan.

The mention of the maps suggests to my mind the propriety of taking this occasion to remark, that they were made by Mr. Ellis, who resides next door to Judge Doty's, above Menomonieville, nearly four miles above Captain Arndt's, where the commissioners lodged. That morning the steamboat, in which we came, was about to start from Green Bay, Mr. McCall and myself sent an express to Mr. Ellis to bring down the maps. We had not seen them, nor had we been advised of their completion. He brought them down but a very short time before our departure for Detroit. I observed on the one upon the largest scale, with the tract purchased by the treaty of Butte de Morts more particularly delineated, that some parts were stained a pale peach color, and designated as private claims. I inquired

the cause. No definite reason given. He was told to, &c. We were in a hurry—no time for further explanation or alteration. We neither sanction the measure, nor in any manner recognize the claims. These pretended claims, however, and the hope of obtaining their sanction by Congress, is, in my opinion, the sole cause why the poor Menomonies are made to express their disapprobation of the purchases of the New York Indians. *They had counsel learned in the law.*

Your obedient servant,

ERASTUS ROOT.

SAMUEL S. HAMILTON, Esquire.

EXECUTIVE DEPARTMENT,

Milledgeville, September 18, 1830.

SIR: I have received your letter of the 6th inst., with General Coffee's report. The contents of the letter from the Secretary of War of the 1st June, in which he stated the substance of that report, surprised me. What I then thought probable, the report proves to be true. The evidence upon which the State confidently relied for the favorable determination of its claims by the President, was entirely unknown to General Coffee. The first testimony taken upon this subject was by Colonel Wales, in the early part of 1829, and consisted of the depositions of citizens of the State who resided near the disputed country. Colonel Wales was not at that time authorized to go into the Cherokee territory for the purpose of procuring evidence. In November last, information was received that a number of very respectable white persons, half-breeds and Indians, were about emigrating from the disputed country and its neighborhood, whose testimony, if it could be procured, would prove with great certainty what had been formerly considered the true line between the Creeks and Cherokees.

Colonel Wales and C. Gates, esq., were appointed commissioners for that purpose, and directed to repair immediately to the agency, where the emigrants then were, and to take their testimony. It was taken with great care, and in the presence of the agent. It clearly proves the right of the State to the possession of the full extent of the territory which had been claimed of the President under the Creek treaty.

The report of Colonel Wales and C. Gates, esq., the evidence taken by them, and some other, with an explanatory letter, was transmitted from this department to the President, the 29th of December last; General Coffee received from this department the first testimony taken by Colonel Wales. It was sent to him at his request, and with the expectation that he would thereby be assisted in the ascertainment of facts for the information of the President, and without supposing that he had been commissioned for any other purpose. My letter to General Coffee, which accompanied the testimony sent him, will satisfactorily prove that no suspicion was entertained that he intended passing upon the rights of the State. The manner in which General Coffee speaks in his report of the testimony which he received from this department, would naturally lead the President to the conclusion that all the evidence taken by the State had been received by him. This, however, was not the fact, as the President will perceive by examining the testimony which accompanied my letter of 29th December. That testimony, General Coffee had no knowledge of. It had not been received at this department

when his express left here. Without entering minutely into an examination of the testimony taken by General Coffee, the President will perceive that it was derived from witnesses deeply interested in the question into which he was examining, and highly excited on account of the effect which a favorable report upon the claims of Georgia would have upon themselves. I knew myself that one of the witnesses, whom he mentions in favorable terms, removed from the eastern side of the Chattahoochee to the western, and within the disputed territory, with the hope of obtaining a reserve. All the witnesses sworn by Colonel Wales were disinterested as to the question, their fears naturally inducing them not to swear at all. General Coffee's objection to the testimony which he received from this department as being hearsay, and consequently without force, is without application: old lines, especially Indian lines, are often to be determined only by hearsay or common reputation. The extract from the talks of the Cherokees delivered to the sub-agent of the Creeks, upon which General Coffee comments, was the principal circumstance which led to the treaty with the Creeks in 1818. These are all matters, however, with which the President is perfectly familiar. The State never supposed that General Coffee, or any other person, however respectable, would act as an arbiter upon its rights without its knowledge or consent. This circumstance, together with the fact that General Coffee made up his report without the benefit of the most important and veritable testimony taken upon the subject, induces me to request that you will submit this letter as early as possible to the President. It is desired that he will examine the testimony that was submitted to him by this department, with the confident hope that, in so doing, he will find sufficient evidence to sustain the right of Georgia to the immediate possession under the Creek treaty, to the full extent of the territory claimed by the State. I regret that General Coffee's report was not received sooner. The Legislature is about to meet, great excitement prevails throughout the State on account of the conduct of the Cherokee chiefs, and the spirit of opposition which has been evinced in various parts of the Union to the execution of the contract of 1802. An early and favorable decision of the President might quiet this ferment, until the operation of other measures shall relieve the whole country of this most harrassing controversy about our Indian people.

Very respectfully,

Yours, &c.,

GEO. R. GILMER.

To P. G. RANDOLPH,
Acting Secretary of War.

WAR OFFICE, *September 28, 1830.*

SIR: I have the honor to lay before you a communication this day received from the Governor of Georgia. The evidence referred to in the enclosed, is on the files of this department, and can be had if required.

Respectfully,

Your obedient servant,

P. G. RANDOLPH,
Acting Secretary of War.

To the PRESIDENT OF THE UNITED STATES.

EXECUTIVE DEPARTMENT,

Milledgeville, December 29, 1829.

SIR: Early in the month of November, information was received at this department that, among the Cherokees about to emigrate beyond the Mississippi, were several very respectable men, who knew the manner in which their tribe had obtained possession of the strip of land claimed by the State of Georgia, and whose testimony could be obtained. By a resolution of the Legislature, the governor was authorized to appoint commissioners for that purpose. The President will perceive, from the instructions given to those commissioners, that great care was taken not only to confine the examination of witnesses to respectable persons, but that the manner of taking the testimony should be unexceptionable. The United States' agent was present, and witnessed each affidavit. The whole of the testimony thus taken is now forwarded to the President, together with an additional affidavit taken by the United States' agent, of an Indian by the name of Raincrow, the affidavit of Major Ector, a respectable member of the Legislature, and the substance of a talk held by the Cherokees in 1818, at the request of the then United States' agent for the Creeks, and by him communicated to this department. I also communicate to the President a message sent from this department to the Legislature, together with the resolutions of that body upon the subject of the policy proposed to be pursued by him. It is confidently believed that the testimony which is now sent to the President, when considered in connection with that which has heretofore been communicated from this department upon the same subject, will satisfy his mind as to the right of Georgia to the immediate possession of the territory in dispute. The account given in the Cherokee talk of the manner in which that tribe obtained permission of the Creeks to occupy the land of the latter is very much the same with that given by the Indian witnesses. That talk becomes very conclusive evidence, when it is recollected that it was given by the Cherokees for the express purpose of satisfying the United States' agent of the right of the Creeks to the land south and west of the head of the Appalache, and between that river and the Chattahoochee, and including a country similarly situated, and occupied by the Cherokees, to that which is now claimed by Georgia. That talk was held only two or three years before General McIntosh procured the dividing line between the two tribes to be established from the Buzzard roost to the mouth of Wills' creek, and proves that, in 1818, that line had not been understood among the Cherokees as their true boundary. The commissioners of Georgia did not know when they took the testimony of the Indians that such a talk had been delivered. The identity of its statements with the testimony of the Indians could only have arisen from the truth of both. Independent of any knowledge derived from individuals, it is probable that we could have accounted for the change of possession of the disputed territory from the Creeks to the Cherokees, from the alteration of the habits of life which has been for a long time taking place in both tribes. Within the last thirty or forty years these tribes have gradually become less and less capable of subsisting by hunting. Very many of the individuals of each tribe became considerable herdsmen; but even these were but little accustomed to provide, by cultivating the earth, food for the support of their cattle during the winter, but rather trusted to the cane and other natural productions. Both tribes, therefore, inclined to progress to the south, where the lands on the

streams were richer, and the cane more capable of sustaining their cattle. That portion of the Cherokee tribe, in particular, who inhabited the high, mountainous, cold, and sterile country about the head waters of the Savannah and Chattahoochee, would be disposed to leave it for one further to the south, and more suitable to the change that was taking place in their habits. The truth of this opinion is verified by the talk delivered by the Cherokees in 1808 to the President of the United States, in which they represent the scarcity of game in that part of their country, and their intention to leave it. In addition to the superior advantages of the more southern country for the support of their cattle, was added the inducement of approaching nearer their markets, rendered important by the increased value of their stock. It is probably known to the President, from personal observations, that the country in dispute was formerly occupied by the Creeks entirely, and that they gradually relinquished their possession until at the close of the late war there were very few of that tribe remaining; and that at the same time, and in the same manner, the Cherokees, by degrees, obtained almost entire possession. The fact that all the streams and remarkable places in the disputed territory have Creek names, prove certainly that it was but lately occupied by the Creeks, and that there has been no general and simultaneous transfer of its possession from one tribe to the other, but that the Cherokees must have intermingled with the original inhabitants so as to have adopted their proper names. The Cherokee talk, the testimony of the Indians, and the information of the original white settlers on that frontier, prove that this occupation of the country by the Cherokees was permissive on the part of the Creeks, and so considered by the Cherokees until eighteen hundred and twenty, when General William McIntosh procured the consent of the Creeks to make it a matter of right. The country was said to have been loaned by the Creeks to the Cherokees, and the first claim of right of possession to it at all, on the part of the latter tribe, has been derived from their success at a ball-play between the two tribes, at which the stake was the disputed country, and at which play the Cherokees were successful. This ball-play, if my information is correct, took place at some time between the years 1816 and 1820. I understand that the President is of the opinion that the United States Government are bound by their contract in 1802 with Georgia, as well as upon general principles, to permit no transfer of territory after that time from the Creeks to the Cherokees; or rather to disregard any contracts which may have been made between the two tribes upon that subject. That the Creeks were the rightful occupants of the country now claimed by Georgia in 1802, and were so admitted to be by the Cherokees until long after that time, is most conclusively proven by the testimony which has been, and is now submitted. The wisdom and prudence of the President will direct the time and manner in which the possession of the country will be given to the Government of Georgia. We are desirous that the President should so manage this matter as not to interfere at all with the efforts of his administration to obtain for Georgia, through the measures proposed to be pursued by Congress during its present session, the whole of its Indian territory. The people of Georgia, and those who administer its government, are fully apprized of the delicate and difficult duty which the President has to perform in the management of Indian affairs. They know that, in discharging his high duty in endeavoring to advance the real interest of the Indians and securing the rights of the States, he will be opposed by the prejudices of ignorance, the sickly sensi-

bility of affected philanthropists, and the still more violent rage of party opposition. The Legislature of the State and its executive have, therefore, endeavored to pursue such a policy in relation to every thing connected with that subject as to aid the President in sustaining his measures. The President will be satisfied of this by the accompanying report and resolutions of the Legislature, and the message of the executive upon that subject.

It is my duty to state to the President, that I have received information, from a highly respectable source, that Gen. Coffee, the United States' agent for taking testimony in relation to the disputed line, will be subject to an attempt to have palmed upon him much corrupt testimony. Charles Gates, esq., the Georgia commissioner, who lives immediately upon the line of the disputed territory, writes me thus:—"I am informed that Major Ridge, a Cherokee, had some old drunken Indians, heretofore chiefs, drilling for a week, and then introduced them to Gen. Coffee as competent evidence." The constant and active efforts of Ridge to thwart the views of the Government renders this account highly probable. It is, however, less regarded, because it is believed that the President himself is well acquainted with the facts connected with the present possession of the Cherokees, the Indian habits, and the character of their principal chiefs. I have requested Mr. Gates to endeavor to procure some evidence in a more authentic form, of the truth of the statement as to Ridge's conduct. Whilst Gen. Coffee was at the agency, I received a letter from him, requesting a copy of the testimony which was in the possession of this department. All that had then been received was forwarded to him. I feel more especially concerned that the testimony should satisfy the President's mind conclusively as to the right of the State to the land which she claims, because the Legislature was so entirely convinced that it would have that effect, when taken in connection with other circumstances, that they declined expressing any opinion as to the course the Government should pursue, provided that should not be the case. A reference of our right, as a contested or uncertain one, to any tribunal was not anticipated. Georgia considers herself entitled to the immediate possession of the country claimed, but is willing to have that right postponed for the attainment of a more important object. If that object is not effected by the means adopted during the present session of Congress, she expects that the President will, so far as his own power extends, do her justice, by having the Cherokees removed from so much of her territory as is included in the treaty lately made with the Creeks.

These remarks are submitted to the President with sentiments of the most respectful consideration.

GEO. R. GILMER.

TO THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE DEPARTMENT,
Milledgeville, Georgia, November 11, 1829.

The Legislature having, by resolutions, authorized the governor to appoint one or more commissioners to take the testimony of other persons concerning the boundary line between the Creek and Cherokee Indians, you will proceed as soon as possible to Calhoun, the Cherokee agency, where you will take the testimony of such Indians, half-breed, or white men, connected with the Cherokee tribe, as you find about to remove beyond the Missis-

ssippi in relation to the disputed line which formerly separated the Cherokees and Creek tribes. If practicable, you will have the testimony taken in the presence of the United States' agent for the Cherokees, and request of him to aid in your examination. It is important to the State that the testimony procured should be in as authentic a form as possible. After taking the testimony of as many of the emigrating party as you may find at the agency, you will proceed to take the testimony of any others, whether Indians or whites, whose evidence you may discover to be important in proving the true line which formerly divided the Creeks and Cherokees.

The testimony, when taken, you will return to this department immediately. Your expenses will be paid, and your personal services also compensated.

GEORGE R. GILMER.

To SAMUEL A. WALES and CHARLES GATES, Esqrs.

MILLEDGEVILLE, *December 7, 1829.*

SIR: We have the honor to transmit herewith the testimony of A. Saunders, Richard Rowe, Robert Rogers, Nathaniel Wofford, and Moses Albritty, concerning the true boundary line between the Creek and Cherokee tribes of Indians, procured in obedience to your instructions of the eleventh ultimo. The affidavits, with the exception of Moses Albritty, establish the line run by the authority of Georgia, in May last, as the true line of division between the two tribes. If Moses Albritty is correct in his testimony, a scope of country, averaging ten miles in length and six in breadth, ought to be included within that line, which is not. The weight of testimony is however against Mr. Albritty, and in favor of the line as run. This testimony is the best the nature of the case will admit of. The first and only regularly surveyed and marked line that the Cherokees have ever had, is the line from the Buzzard roost to the mouth of Wills' creek: before that time, all the landmarks and boundaries, except such as were made by the different treaties with the United States, depended solely upon tradition. In the absence, then, of a map, or any marks of a line, resort must be had to common report and the understanding of the parties immediately in interest. The testimony we herewith submit is of this character, and it is entitled to the utmost credit. Alexander Saunders is a native Cherokee, and has been one of the most distinguished warriors that, for the last half century, has belonged to that tribe of Indians. During the last war with the Creeks, he held a major's commission in the service of the United States, and the present Chief Magistrate of the Union can bear testimony to his fidelity as a soldier: his integrity is unimpeachable. Until he enrolled for emigration, he was one of the head men and favorites of the tribe to which he belonged, and at the period of his enrolment was one of the judges of their national court. Richard Rowe is also a native Cherokee, and has always been distinguished for his probity of character: at the period of his enrolment for emigration he was also one of the judges of the courts of the nation. Moses Albritty is a white man, who has become a citizen of the Cherokee nation: by marriage, he is in possession of considerable property, and is respected by all who know him as an honest man. Robert Rodgers and Nathaniel Wofford are also white men who have intermarried with Cherokees: their veracity will not be doubted by any one to whom they are known. Those Indians and white men

yet living in the nation, and who, it is presumed, have a knowledge of the true boundary line, refused to give us their depositions. More, however, of a character with these herewith submitted could have been procured, but they would have been from those less worthy of credit. We believed these amply sufficient, and as such they are respectfully submitted.

We have the honor to be,

Your obedient servants,

SAMUEL A. WALES,
CHARLES GATES.

His Excellency GEORGE R. GILMER,
Milledgeville.

CHEROKEE AGENCY, *November 25, 1829.*

Nathaniel Wofford, being sworn, deposeth and saith that he has been acquainted with the country now in dispute between the State of Georgia and the Cherokees for more than twenty years, and has always understood from, and has uniformly heard the Cherokees say, that the land on the south-east side of the Etowah river belonged to the Creeks, and also that *Sour-mush*, one of the chiefs of the Cherokee nation, told this deponent so: this deponent further swears, that, since the line from the Buzzard roost to the mouth of Wills' creek was run, he has heard the Cherokees say that they ought to be friendly with McIntosh, for he had given them the land north of said line, and that the Cherokee nation never had paid one dollar to the Creeks for it; and also, that, when the news of McIntosh's death reached the Cherokee nation, he heard some of the Cherokees say that they ought not to rejoice, for McIntosh had been their friend, and had given them the land north of the line running from the Buzzard roost to the mouth of Wills' creek, or words to that effect; and further this deponent saith that, while the line was running in May last, from Suwanna, on the Chatahoochie, across to the Etowah river, by the authority of Georgia, he heard several of the Cherokees say that the Cherokee nation need make no noise about it, or words to the same import, for that was the true dividing line between the Creeks and Cherokees.

NATHANIEL WOFFORD.

Sworn to, and subscribed before us:

SAMUEL A. WALES, }
CHARLES GATES, } *Commissioners.*

And in presence of

H. MONTGOMERY,
United States' Agent.

CHEROKEE AGENCY, *November 23, 1829.*

Alexander Saunders solemnly swears that, about the close of the revolutionary War, his father moved and settled at the Etowah town, on the Etowah river, and at that time there were no Cherokees settled on the south side of the river, which was inhabited entirely by the Creeks. After the acknowledgment of the independence of the United States, the Cherokees began to move over and settle with the Creeks on the south side of the ri-

ver. Deponent further saith that the Creeks always claimed and contended, that the dividing line between the two tribes on the west side of the Chatahoochie river was a line running from Suwanna Old Town across to the head of Little river, thence with said river to its mouth in the Etowah, thence down the Etowah; and that he has heard it frequently said, and admitted, by many Cherokees, that the land south of the said line belonged to the Creek nation. And this deponent further swears that he has been intimately acquainted with the affairs of the Cherokee nation for more than twenty years past: and from what he knows, or has heard, he most solemnly believes that the land between the Chatahoochie and Etowah rivers, and south of the line recently run by the authority of the State of Georgia, properly belongs to the Creek nation.

his
ALEXANDER + SAUNDERS.
mark.

Sworn to, and subscribed before us:

S. A. WALES, }
CHAS. GATES, } *Commissioners.*

And in presence of

H. MONTGOMERY, *U. S. Agent.*

Alexander Saunders, in addition to the foregoing, further swears that, some time past, some white men were going down the Coosa river with a boat load of whiskey, and at some distance up the river from the mouth of Wills' creek, the whiskey was taken from them by the Indians; whereupon application was made to the Cherokee nation for payment of the value of said whiskey. The Cherokees refused the payment because, as they alleged, the offence was committed within the Creek territory. The Creek nation, within a few years past, have paid for said whiskey.

his
ALEXANDER + SAUNDERS.
mark.

Sworn to, and subscribed before us, *23d November, 1829.*

SAMUEL A. WALES, }
CHARLES GATES, } *Commissioners.*

And in the presence of

H. MONTGOMERY, *U. S. Agent.*

CHEROKEE AGENCY, *November 23, 1829.*

Richard Rowe solemnly swears that, at the close of the revolutionary war, he became acquainted in the country between the Etowah and Chatahoochie rivers, and at that time the country was settled by the Creeks. The Creeks ever since have claimed it as belonging to their nation; and this deponent has heard many of the Cherokees admit that the land on the south side of the Etowah river belonged to the Creeks; and from the fact that all the creeks and water-courses there have Creek names, and from all this deponent knows and has heard on the subject, he most solemnly believes that the land on the south side of the Etowah river of right belongs to the Creek nation. And this deponent further swears that he has heard General William McIntosh say that he permitted a line to be run from the Buzzard roost, to the mouth of Wills' creek, from the friendship he had

for the Cherokees, and because he had taken a wife from their tribe, but that it was not the true line of division between the two tribes. This deponent has lived on the south side of Etowah river, on the land now in dispute, for about thirty years.

Sworn to, and subscribed before

SAMUEL A. WALES, }
CHARLES GATES, } *Commissioners.*

And in presence of

H. MONTGOMERY, *U. S. Agent.*

CHEROKEE NATION, *November 28, 1829.*

Robert Rogers, being sworn, saith that he has lived in the Cherokee nation ever since the year 1803. At that time, and until the line from the Buzzard roost was run, it was understood by all parties that the dividing line between the Creeks and Cherokees was a line running from Suwanna, on the Chattahoochee, to the Sixas, on the Etowah river, thence down the Etowah to the head of Coosa river; thence, with an old Creek trail, to what is now Alabama, on the west side of the Coosa. And this deponent further says, that, during the Creek war, he was at the house of a Cherokee chief by the name of Fool, who then lived at the juncture of the Etowah and Estenalah rivers, who informed him he belonged to the Creeks. And further this deponent saith, that not long after the line from the Buzzard roost, to the mouth of Wills' creek was run, he moved and settled near said line, on the north side of it. Before this deponent moved, Path-killer, at that time the principal chief of the Cherokee nation, told this deponent not to move there, for that the land there belonged to the Creeks, and that they would interrupt him.

ROBERT ROGERS.

Sworn to, and subscribed before us,

SAMUEL A. WALES, }
CHARLES GATES, } *Commissioners.*

CHEROKEE AGENCY, *Nov. 27, 1829.*

Moses Albritty, being sworn, deposeth and saith that he has lived in the Cherokee nation for about thirty years, and has lived immediately on an old trace running from Suwanna Old-town, on the Chattahoochee, to the red bank on the Etowa river, for about twenty years; and that before the line from the Buzzard's roost to the mouth of Wills' creek was run and established by the Creeks and Cherokees, the said trace leading from Suwanna to the red bank as aforesaid, was always considered to be the dividing line between the two tribes. And this deponent further saith that the Cherokees did not contend that the line was lower down, until the said line from the Buzzard roost was run.

MOSES ALBRITTY, his x mark.

Sworn to, and subscribed before us.

SAMUEL A. WALES, and }
CHARLES GATES, } *Commissioners.*

And in presence of

H. MONTGOMERY, *U. S. Agent.*

Gen. William McIntosh, some short time previous to the treaty of 1825, held at the Indian springs, informed me that there was a strip of country, about thirty miles in width, then in possession of the Cherokee nation of Indians, that of right did belong to the Creek nation. He stated it has been in dispute some years, and was compromised, by a ball-play, in favor of said Cherokee nation of Indians.

HUGH W. ECTOR.

MILLEDGEVILLE, *Nov. 29, 1829.*

CHEROKEE AGENCY, *Dec. 8, 1829.*

Raincrow, an old Cherokee, came this day to the office, and, through Alexander Saunders, United States' interpreter, voluntarily made the following statement, viz. Some time near the close of the revolutionary war, his father fled from Seniker for fear of the whites, and crossed the Hightower river, not far below the mouth of a creek called by the whites Town creek, which empties in about four miles below where Joseph Phillip now lives, where two families of Creeks were living: one of them was a chief, and gave his father part of a field of corn to subsist his family on. He, Raincrow, was a small boy, and did not travel much over the country, but, so far as he did, heard of no Cherokees on the south side of said river, but a number of Creeks, and a village consisting of twelve or fifteen families, about eight miles down on the south side, and had a town-house. On the next spring, his father and family returned to a place called by the whites Tomopsy, and he did not return to Hightower until he was grown, when he found a village of Cherokees at Hickory-log, on the north side of said river, but knows of none that were there on the south side, nor until after a certain meeting of the Creek and Cherokee warriors at Waquoah, and he was along for the purpose of going to war against the whites in Tennessee, and to cut off a fort which was a little above and to the left of Tellica; and before they left Waquoah, the Creek warriors agreed that if the whites should follow them and drive them from their towns, they might go and settle on their lands on the south side of Hightower, where they would be out of their reach, and shortly thereafter the Cherokees began to settle on said lands, and to claim them as given by the Creeks; and this he believes to be the origin of the Cherokee claim to said lands. But he states positively that the Creeks did not agree to give them the lands, but only that, if they were driven by the whites, they might go and settle on them as before stated. But the Cherokees continued to increase on those lands and live promiscuously amongst the Creeks, both parties claiming until the commencement of the late Creek war, when the last Creek village, which was not far below Avery Vann's, and on both sides of Hightower, moved away, leaving the Cherokees, with the exception of a few scattering families, in the entire possession of that part of the country.

RAINCROW, his $\times$ mark.

ALEXANDER SAUNDERS, his $\times$ mark.

Read and interpreted, and sworn and subscribed, before me, the date above.

H. MONTGOMERY, *U. S. Agent.*

Account of the settlement of the Cherokees in the neighborhood of the Creeks, as stated in a council held at Thlacatchka, June 11th, 1818.

Sour-mush, and Shoe-boot, his interpreter, Cherokees, both of whom were present at the first council between the nations. The whites ran them from where they had formerly lived to Aubecan, a town in the upper Creek country, where the Creeks told them to live in their country, and raise their children. That the chiefs now present were there at the first talk in peaceable times, before the whites and Cherokees had any fighting. The Creeks owned all the land up to the head of the Coosa river, and all the waters of the Coosa. That the Tennessee was the Cherokee river, and those lands joined on the dividing ridge, in former times, on the Chattahoochee, the Cherokees, as low down as a river which empties into it, called Choley river. Since then they were told by the Cowetaw king that they might live as low down as they Curryhee mountain; but that their young men now claim as low down as the Hog mountain, although they have no claim to it.

The foregoing is the substance of a talk delivered by the old Cherokee chief, Sour-mush, in the presence of a deputation of Cherokee chiefs, of whom he was at the head, and interpreted by the old chief Shoe-boot at a public meeting of the Creeks in my presence, and addressed to me on the day, and at the place before stated.

D. B. MITCHELL,
Agent for I. A.

EXECUTIVE DEPARTMENT,
Milledgeville, Georgia, December 11, 1829.

I transmit to both branches of the Legislature a copy of the report received from Colonel Samuel A. Wales and Charles Gates, esq., commissioners appointed to take the testimony of Indians and others upon the subject of the disputed line between the State and the Cherokee tribe of Indians, together with a copy of the testimony taken by them.

It is very gratifying to find that the claims of the State which had previously been only supported by the evidence of our own citizens, derived from conversations with the Cherokees, and other rather uncertain sources, so strongly confirmed by the testimony of the Cherokees themselves. I likewise lay before you the copy of a letter received from General John Coffee, the agent appointed by the United States Government to investigate the same subject, together with the answer addressed him from the Executive Department.

Permit me to recommend to the Legislature the most liberal and forbearing course in relation to our right to the territory in dispute. Delay and thorough investigation will not weaken our title if valid. Representing, as we do, a great community, and having for defendants against us a weak tribe of Indians, subject really to our legislation, it becomes us not only to act justly, but to avoid the very appearance of violating rights.

The immediate possession of the disputed territory is comparatively of small importance: our people are in no want of lands. The removal of the Cherokees entirely from within our limits, is however an object of the greatest interest to the State: until it is effected, our population must remain unsettled, our policy wavering, and improvements of all kinds, whether they

contribute to the enjoyments of society, or the advancement of the wealth of the State, unexecuted. We are assured that the exertions of the present administration of the General Government will be used to promote this end so desirable to us. The obligations of that Government's contract with us to extinguish the Indian title to all the lands within our limits, we may now hope will be complied with in good faith. No one better understands the Indian character, and the nature of the peculiar relations which exists between them and our Government, than the President of the United States. It is believed that the efforts of the Government to remove the Cherokees will be strengthened by the conviction on the public mind that the cause of humanity requires it. Long experience has satisfied all, except sectional and party zealots, that the Indian tribes, when surrounded by the white men, continue to disappear until shut out from existence. The Government proposes to remove all the Indians within the limits of the State to an extensive territory which belongs to it beyond the Mississippi, where they can be protected and aided in their advancement in civilization. The humane and intelligent are everywhere concurring with the views of the Government. The oppressive system of Government which the Cherokee chiefs (principally the educated sons of white men,) are now enforcing upon the body of the Indians, must soon satisfy every one of the necessity which will compel this State to put an end to such an assumption of authority within its territory. So long as the Indians retained their original simple habits, peculiar and strong prejudices, and were without wealth, they were incapable of discharging the duties of citizens, or bearing the burdens of Government. The State has therefore permitted those within its jurisdiction to govern themselves according to the customs of their tribes. This state of things, however, must cease to exist, and unless they shall shortly be removed, the State will owe it to itself to govern them as it does all others residing within its limits. We look forward with confidence to the policy which the Congress of the United States will adopt at its next session, as that will relieve us from the necessity of acting at all upon this most delicate and difficult subject; for, however valid may be our power, and just our claim, if we act efficiently upon this subject, (and we ought not to act at all unless we do,) we shall offend the prejudices of a considerable portion of our country. Permit me, for these, and a variety of other reasons which will readily suggest themselves to those who have investigated this subject, to recommend to the Legislature the continuance of its forbearance a little longer upon the subject of our Indian territory, and particularly that part which the State claims to have been purchased of the Creeks, and is now in the possession of the Cherokees. It is hoped that the report which will be made by the United States' commissioner, together with the testimony obtained by the commissioner of Georgia, will satisfy the President of the United States of our right to the immediate possession of the disputed country, and that he will comply with the request of my predecessor to have the Cherokees removed therefrom.

I confidently rely upon the personal knowledge of the President of the United States as to the extent of the limits of the country claimed by the Creeks and Cherokees, as well as his disposition to do us justice, for his favorable determination. In pursuing this course, we shall avoid the unpleasant necessity of acting as sole judge in our own cause, and collision with the present administration of the General Government, so much more favorable to the rights of the State than those which have immediately preceded

it. If, however, the Congress of the United States at its present session, contrary to our expectations, shall refuse or neglect to pursue such a policy as will cause the Indians to be removed from within our limits, longer forbearance will be unjust to our people. It will become our duty to exercise the sovereign authority which belongs to the State, governing all that reside within its limits, and of appropriating all of our unoccupied and ungranted soil.

Permit me to suggest the propriety of preventing the immediate publication of the testimony. Colonel Wales informs me that the witnesses were in great danger from deposing at all upon the subject of the disputed line, and would most probably have lost their lives if their testimony had been made public; that he promised that it should not be published until they left their country, all of them being of the emigrating party. He states, however, that they were to have left the agency before this time, and will most probably be removed from danger very shortly. As the testimony was taken by order of the Legislature, and the commission at an end, I did not feel myself at liberty to withhold it.

GEORGE R. GILMER.

To the Hon. *President and members of the Senate*, and
The Hon. *Speaker and members of the House of Representatives*.

NASHVILLE, TENN., Nov. 3, 1829.

SIR: I came to this place a few days since on business, where I have received instructions from the Secretary of War, directing me to proceed to the Cherokee nation, and collect such testimony as I may be able to obtain relative to the true boundary line between the lands of the Creek nation and those of the Cherokees, and to forward the same to the Government, to enable them to determine with more certainty on the true line between those nations, wherein the state of Georgia has of late become interested, and between whom and the Cherokees there exists a difference of opinion and a clashing of interest. I have undertaken to perform that duty, and for that purpose I expect to leave my residence near Florence, in Alabama, on the 16th instant, and proceed direct to the Cherokee agency in that nation, and may reasonably expect to reach that place about the 22d instant; and, as I presume you feel interested on this subject on the part of the State of Georgia, and may have obtained much information relative thereto, may I ask the favor of you to furnish me with whatever may be in your possession which may throw any light on the subject, and to forward the same so as to meet me at the Cherokee agency as soon after my arrival there as may be perfectly convenient to you, as it is desirable that I shall collect the information sought for, and report the same as soon as possible.

I have the honor to be, sir,

With great respect,

Your obedient servant,

JNO. COFFEE.

Governor GILMER.

EXECUTIVE DEPARTMENT, Nov. 30, 1829.

SIR: Your letter of the 3d instant, addressed to Governor Forsyth, has

been received. According to the request contained in that letter, I send you a copy of the report of Colonel Wales, the commissioner appointed by the Executive of Georgia, to take testimony in relation to the line which formerly divided the Creek from the Cherokee tribe of Indians, together with a copy of the testimony taken by him. You will perceive that most of that testimony is derived from citizens who have resided, for a long time, in the immediate vicinity of the disputed line, and derived their knowledge from frequent intercourse with the people of the Cherokee tribe, and white men intermarried with them. It is not to be expected that the agent of the State would be able to procure evidence of a very precise nature. He was not directed to take the testimony of Indians; and it is understood that there was no written agreement between the Cherokees and Creeks, as to the disputed line, until 1821. In addition to the testimony taken by Colonel Wales, I send you the affidavits of Major Ector, and the copy of a letter from Eli McConnell and Richard Winn. You are requested to take the examination of the persons referred to in that letter. I discover that, in the instructions given you by the War Department, your attention is particularly directed to the ascertainment of the dividing line between the Creeks and Cherokees, in 1802. In doing so, I have but little doubt that you will find that all the claim, which the Cherokees now have to the land which the State of Georgia supposes to have belonged to the Creeks, has originated since that time. For a long time previous to 1814, the two tribes had been at peace with each other; many intermarriages had taken place in the part of the country where the possession of the tribes bordered upon each other, and particularly in that part which is in dispute; so much so, that General Wm. McIntosh was at one time a principal chief of the lower Cherokees; and, perhaps, to this latter circumstance is to be attributed the convention of 1821 between the two tribes, it having been made by his influence. Another circumstance has contributed greatly to alter the possessions of the two tribes since 1802. Many of their principal men have since that time become large stockholders: their markets have been to the south of them. The Creeks at Pensacola, Mobile, Fort Hawkins, &c.; the Cherokees, Augusta, Savannah, &c. It is probable that each tribe has been disposed to advance to the south, both to get nearer their markets, and have the benefit of a milder winter climate for their cattle. In 1802, very few of either tribe prepared food for the use of their cattle in the winter, but relied entirely upon the natural productions of the earth. These productions increase as you advance to the south. The northern part of the territory, claimed by the Creek tribe, had, previous to 1821, become very unimportant to them, and very valuable to the Cherokees. By an examination of the letter of General Jackson to the Secretary of War, 4th of June, 1816, you will discover that the Cherokees were then, and had been for some time, in possession of the disputed territory; but, according to the statement of Creeks, as a loan. It is said, that, since that time, the Cherokees won this loaned territory of the Creeks. I have just had placed in my possession the substance of a talk held between the Creeks and Cherokees in 1818, a copy of which I send you. It confirms what we have always understood to have taken place between the two tribes. The Cherokees, when first known to us, occupied the head waters of the Tennessee, and bordering upon Virginia and North and South Carolina. They have since that time been gradually progressing to the south, and were permitted, by the Creeks, to occupy the lands on the head waters of the Coosa and Chatahoochie. I am aware that you are familiar with Che-

rokee history, and the nature of the claims of that tribe to the country which is now in dispute between them and Georgia. We cannot but hope that the result of your commission will be, to satisfy the United States Government of our right to the immediate possession of the territory which Georgia claims as a part of that which formerly belonged to the Creeks.

I am, sir,

With high consideration and respect,

Your obedient servant,

GEORGE R. GILMER.

General JNO. COFFEE,

U. S. Com., Calhoun.

FLORENCE, Alabama, *December 30, 1829.*

SIR: Pursuant to your letter of instructions, dated 10th of October last, directing me to visit the Cherokee nation, and ascertain the true boundary between the Creeks and the Cherokees, as it existed formerly, from the best testimony that could be had, I entered on that service with as little delay as possible after the receipt of your instructions, and have now the honor to report that I have succeeded in obtaining much information on that subject; and although both parties, to wit, the State of Georgia claiming under the Creek title of the one part, and the Cherokee nation of the other part, seem sanguine as to the preference of their respective claims, each over the other, yet the evidence is not so clear as I could wish to establish either to the full extent claimed. On my arrival at the Cherokee Agency, on the 25th of November last, I was informed by the United States' agent, Colonel Montgomery, that neither the Governor of Georgia, nor the chiefs of the Cherokee nation, had furnished him with any information on the subject; nor had either left any with him for me, except that he had in his office a treaty of boundary, entered into between the Creeks and Cherokees on the 11th of December, 1821, a copy of which he furnished me with. I immediately despatched a letter, by express, to the Governor of Georgia, and also a letter to John Ross, principal chief of the Cherokee nation, informing them of my arrival at the agency, and requested them to furnish me with the evidence of their respective claims; intending, in the meantime, while waiting for a return answer to my letters, to employ myself amongst the Cherokee emigrants who were then encamped near the agency, to the amount of about three hundred, as I was informed, in the hope that I could get some useful information from the old men of that party; some of whom had resided many years on the land now in dispute between the Cherokees and Georgia. I visited several of them, but found them opposed to make any written statement, but some of them gave me verbal statements. I had waited until the tenth day after my arrival; and not having received any communications from the chiefs of the nation, I determined to visit and examine the disputed country; and for that purpose I left the agency on the 4th of December, and travelled the road towards Georgia, and to the Suwanna old town, on the Chatahoochie river, which is the upper point on that river claimed by the State of Georgia; but previous to my reaching that place, I met my express sent to the Executive of Georgia, with his reply to my letter, accompanied by the testimony on which he rested the claim of his State, with the exception of three witnesses, which had been mentioned to him as being material in support of his claim; they

were Jack Right, Sleepy Man, (a Cherokee Indian,) and George W. Freeman, all living near the line of the disputed territory, with his request that I would see them, and take their testimony. I sent an express after Sleepy Man, and he was gone from home, and could not be found. I went myself to the house of George W. Freeman, and was informed, by his family, that he was gone to some of the adjoining counties in Georgia, and would not be at home for several days. I then went to the house of Jack Right, and found him at home; and procured his evidence in two separate statements, upon oath. Having obtained the evidence on which the Executive of Georgia rested his claim, it only remained for me to examine the country in dispute, and collect such testimony as I could find, in passing through the country, on the part of the Cherokees; always charging the witness to be careful, and make a fair and impartial statement; and when a legal officer could be procured, who was authorized to administer an oath, the witnesses were sworn to the correctness of their statements. Then, in pursuance of my plan, I examined four white men, on oath, to wit, John Rogers and William Mathews, who lived on the west of Chatahoochie, and Daniel Clower and George G. Weatherspoon, on the east side of the river, in the State of Georgia. I proceeded westwardly and down the Hightower river, on the southeast side, passing many of the old improvements, which have the appearance of having been long settled by the Cherokees, as I was informed at the old Hightower town. I crossed over the river, and passed down in the forks of Hightower and Estenalah rivers, which form a junction which makes the Coosa river. Here is the residence of John Ross, the principal chief of the nation. On my passage through the country, I called on sundry old men who had been long residents in the nation, and procured their testimony. I met some old white men, travellers, citizens of Georgia, who also gave me some evidence; all of which was taken by myself, in the absence of both parties interested. At the residence of John Ross, the principal chief of the Cherokee nation met me, with a number of old men, both white men and Indians, who gave testimony on the subject of the disputed country; and in addition to the evidence thus furnished, the principal chief, John Ross, presented me with the Cherokee Phoenix, of the 11th of November last, a newspaper containing his communication to Colonel Montgomery, United States' agent, and a number of extracts from official documents respecting the boundary line; and, in support of his claim, he also furnished me with the copy of a treaty held by the State of Georgia with the chiefs of the Cherokee nation, on the 31st of May, 1783; also the copy of an agreement entered into between the two chiefs of both nations, at Fort Jackson, on the 9th of August, 1814, and also the copy of a talk delivered by a deputation of Cherokee chiefs to General Pickins, and Colonel Hawkins, commissioners, treating with the Cherokee nation at Fort Wilkinson, on the 8th of June, 1802; all of which testimony I herewith enclose to you, together with the correspondence which has taken place on the occasion, and also a rough sketch of a map of the country, sent me by his excellency Governor Gilmer, of Georgia; and also a rough map made by myself, from observations made as I passed through the country, believing the map of Governor Gilmer is not as perfect, in some parts, as the one I have made; though either will answer to explain to you more fully the evidence to lay it before you, as you need it. It now remains for me to give you my opinion of what should be the true line between the two nations formerly. In the first place, I learn from

the evidence, as well as from the observations of persons, generally, who have long been acquainted in the country, that the two nations seemed to have kept a common hunting ground and range between them of something like fifty miles, a little more or less, between their villages of the two nations, with the exception of some straggling settlements of either nation, within that common; but their settlements on the Coosa approached nearer together, and widened out as it extended eastwardly, and there never had been any truly defined line between them until they made the line from Buzzard Roost to Wills' creek, in 1821; and I believe that line is run within the bounds of the open common between the two nations, which I have spoken of; but I am of opinion that the eastern end of that line was run below the centre of the open common; but without pretending to offer an opinion, as to the propriety or legality of that line. I discover the Cherokees had previously set up their claim to run very far south of it, and yielded, as they say, a part of their country, to get the line settled, as they finally run it, from Buzzard Roost to Wills' creek. By the evidence offered, on the part of Georgia, I can find no testimony that can possibly fix the line where they have run it; all the evidence in their support is hearsay of individuals, without pretending to give up the authority from whence they derived their information, except the statement of Governor Mitchell, giving the substance of a talk delivered to him by the Cherokee chief, Sour Mush, by his interpreter, Shoe Boot, in 1818. There must be a mistake in that interpretation, for in 1816 the Cherokees laid their claim down to the ten islands on the Coosa, and made a treaty with the United States, allowing their claim to that point; therefore, it is not probable, two years afterwards one of their principal chiefs would, in open council, contradict what the nation had claimed and obtained; and it is charged that Shoe Boot could not speak the English language so as to interpret the talk alleged to him. See the statement, on oath, of six persons, on the back of Governor Mitchell's certificate, who know Shoe Boot, and say that he could not speak English intelligibly. There is abundance of evidence, showing that the Cherokees were in possession of the south bank of Hightower river fifty years ago, at the old Hightower town, and that they extended their settlements out from that town, as well down as up the river. Turkeytown was settled forty years ago, and the old Red Bank town upwards of forty years since; and various other villages and settlements were made and occupied on all the waters that run into the Hightower and Coosa rivers, about Turkeytown, thirty and forty years ago, and have ever since been in the constant occupancy of the Cherokees, without any evidence to show the Creeks ever set up any claim to any of the waters of those rivers above Turkeytown, except the statement of twenty-nine Creek chiefs and warriors, given to me in 1816, in the absence of the Cherokees. By that statement they said, many years since, and during the revolutionary war, they loaned the Cherokees land from their old line, the junction of Estenalah and Hightower, down to Wills' creek; and that the Cherokees had lived on it ever since, and it had not been reclaimed by the Creeks at that day. I construed their statement into an admittance, on the part of the Creeks, that the Cherokees had claim to the country as low as Wills' creek; and acting as a corner for running out the lines of the country ceded by the treaty of Fort Jackson in 1814, I run a line from Wills' creek along an old Indian path to Gunter's ferry, on Tennessee river, as being the line between the two nations. That path was then called the Creek

path, and is yet known by that name. From the long and quiet possession of the Cherokees to all the waters of the Hightower and Coosa rivers above Wills' creek, and from all the evidence before me, I am bound to believe their claim good to that much of the disputed territory; and from the same evidence I view their claim on the Chatahoochie good, certainly as low down as the Shallow ford on that river. I would therefore make the line as follows: beginning at the lower Shallow ford on Chatahoochie, which is about fifteen miles below the Suwanna old town, and run from thence westwardly in a direction to strike the ridge which divides the waters running into Little river, which is a branch of Hightower; from thence running into Sweet-water creek, which runs into Chatahoochie about two miles below Buzzard Roost; and running thence with said ridge westwardly, which runs into the Hightower and Coosa rivers to the right, on the Cherokee lands, and all the waters that run southwardly into the Chatahoochie and Tallapoosa rivers, to the left in the Creek lands, until said ridge intersects the line which has been run and marked between the Creeks and Cherokees from Buzzard Roost to Wills' creek; thence with that line to the Coosa river opposite the mouth of Wills' creek, which said proposed line is represented on the rough map sent you, as made by myself.

I have the honor to be, sir,
 With very great respect,
 Your obedient servant,

JNO. COFFEE.

Hon. JOHN H. EATON,
Secretary of War.

EXECUTIVE DEPARTMENT,
Milledgeville, June 17, 1830.

I transmit to the President, for his information, two proclamations. One of which is designed to notify the Indians, within the State, of the extension of its jurisdiction over them; the other, white persons as well as Indians, to desist from trespassing upon the property of the State, by taking gold or other valuable minerals from its ungranted land. Before these proclamations had reached the part of the State occupied by the Cherokees, the United States' troops had driven from it all persons except Indian occupants.

The President is aware that such an exercise of power is believed not to be authorized by the Constitution of the United States, and more especially since the passage of the law, by Georgia, extending the jurisdiction of the State over all its Indian territory. It is, however, so important an object, with the State, to obtain from the United States the execution of its contract of 1802, to remove the Indians from within its limits, that it has been unwilling to create the least embarrassment by any assertion of its rights in opposition to the policy of the General Government. This disposition has been increased by the special confidence reposed in the present administration.

From information just received, there is much reason to apprehend considerable disturbances, and perhaps bloodshed, from the manner in which the orders of the President to remove intruders has been executed by the

officers commanding the regular troops. The persons who have been removed by them were those engaged in mining for gold. Their number amounted to several thousand, most of whom had found their employment exceedingly profitable. The Indians, in their immediate vicinity, so far from objecting to the occupation of their country by the gold miners, it is said, favored their presence. They were not interrupted in the accustomed enjoyment of their country by the taking of gold from its soil.

The gold region is situated very near the thickly inhabited part of the frontier of the State.

When the gold diggers were removed by the troops, although much discontent was felt, they retired to their homes without any actual resistance. It however soon became known that the mines, from which they had been driven, were immediately taken possession of by the Indians, and the whites connected with them, and that they were permitted to take the gold therefrom without any resistance from the troops who had dispossessed the citizens of the State. Very great excitement is said to be the result of this state of things.

There is much reason to apprehend that the Indians will be forcibly driven from the whole of the gold region, unless they are immediately prohibited from appropriating its mineral wealth to themselves.

Since the discovery of gold in the Cherokee country, the opinion has very generally prevailed that those who were engaged in digging for it violated no right except that of the State; and that, after the passage of the law extending the jurisdiction of the State over that country, the Government of the United States would have no authority to enforce the non-intercourse law. What effect the proclamation, prohibiting all persons, both Indians and whites, from digging for gold, may have in allaying the excitement among the persons who have been removed as intruders, is very uncertain. It is probable that it may prevent an immediate attack upon the Indians who are so employed, from the expectation that they will be restrained by the authority of the State.

I shall be compelled to resort to the tedious process of the courts for this purpose, the laws of the State not having invested the Governor with the power to protect the public property by military force.

In the mean time, it is very desirable that the President would direct the officers commanding the United States' troops to prevent intrusion upon the property of the State by the Indians, at the same time that they are defending the occupant rights of the Indians from intrusion by the whites.

The President will perceive, in the proclamation forbidding all persons, both whites and Indians, from taking gold from the territory of the State, in the occupation of the Indians, that the right of the State to all the gold and silver in its ungranted land is directly asserted. It is believed that the President requires no argument in support of that right, thus claimed for Georgia. All the European nations who made discoveries, conquests, or took possession of any portion of this continent, claimed the exclusive right to all gold and silver found within their possessions. This was, in fact, the first and strongest inducement to the enterprise of the early adventurers to this country. In addition to this right, assumed by all the European nations, the King of Great Britain claimed, by virtue of the common law of England, to be the sovereign owner of all the lands within his kingdom, and especially in the American colonies. Upon the independence of the States their Governments became entitled to all the rights of sovereignty

over the territory, within their limits, which had before belonged to the crown of Great Britain.

The State of Georgia is therefore entitled to the gold and silver in its territory, occupied by the Indians, as well by the customary law established by the nations by whom this country was settled, as the fee simple or paramount title which it derives from the crown of Great Britain. The courts of this State have uniformly determined that the Government of the State is the universal proprietor of all the ungranted lands within it, including those in the occupancy of the Indians. Such is believed to be the legal doctrine of all the other States: it is certainly that of the Supreme Court of the United States, as to the lands of Georgia. It is believed that if the Indians were permitted to take possession of the gold mines, through the assistance of the United States Government, that, instead of being removed, they will become fixed upon the soil of Georgia. It is said that preparations are making by a large number of the wealthy Cherokees to remove into the gold region, for the purpose of participating in its mineral riches, if they can be protected in so doing by the United States. We shall thus not only retain the Cherokees who have hitherto occupied the lands of the State, but many of those who reside in Tennessee, Alabama, and North Carolina. The United States are bound, by contract, to prevent this state of things; and no doubt is entertained of the disposition of the President to perform the obligations of the Government in good faith.

The State of Georgia cannot permit her rights to be violated by persons subject to her jurisdiction, as the Indians are acknowledged to be, without applying a remedy adequate to the removal of the evil. In exercising this power, however, if it should unfortunately become necessary, it will be the object of the State to do it in such a manner as to aid, rather than thwart, the policy of the present administration, and carefully to guard from violation the rights intended to be secured to the Indians.

Very respectfully, yours, &c.,

GEORGE R. GILMER.

To the PRESIDENT of the U. States.

P. S. I have this moment received information, which may be certainly relied upon, that when the executive proclamation was received at the gold mines, all the native Indians desisted from work, and expressed their determination to obey the orders of the Government of the State, but that most of the whites and wealthy half-breeds continued digging for gold. I have not yet understood what effect the proclamation has had upon the intruders who have been driven off, and who have evinced a disposition to act with violence.

An agent of great discretion and firmness will be immediately sent to the gold region, with directions to enjoin, by process from the courts, all persons who may be found digging for gold. In this way, strong hope is entertained, confirmed by the late intelligence, that peace and order may be restored to our frontier.

GEORGE R. GILMER.

A PROCLAMATION.

GEORGIA.—*By his excellency George R. Gilmer, Governor, and commander-in-chief of the army and navy of this State, and of the militia thereof.*

Whereas it has been discovered that the lands, in the territory now occu-

pied by the Cherokee Indians, within the limits of this State, abound with valuable minerals, and especially gold; and whereas the State of Georgia has the fee simple title to said lands, and the entire and exclusive property in the gold and silver therein; and whereas numerous persons, citizens of this and other States, together with the Indian occupants of said territory, taking advantage of the law of this State, by which its jurisdiction over said territory was not assumed until the first day of June last past, have been engaged in digging for gold in said land, and taking therefrom great amounts, thereby appropriating riches to themselves, which, of right, equally belonged to every other citizen of the State, and in violation of the rights of the State, and to the injury of its public resources; and whereas the absence of legal restraint, and the nature of their pursuit, have caused a state of society to exist among said persons, too disorderly to be permitted to continue; and whereas, by the act of the last Legislature, to add the territory in the occupancy of the Cherokee Indians, included within the limits of this State, to the counties of Carroll, De Kalb, Gwinnett, Hall, and Habersham, and to render void and disannul all Cherokee laws, the jurisdiction of this State is now extended over said territory, and all persons therein made subject thereto.

Now, for the purpose of removing all persons from the lands of this State, in the territory aforesaid, except such as are permitted by the laws or assent of this State to occupy the same, to secure to the State its property in the minerals therein, and to put an end to the lawless state of society which has hitherto existed among the gold diggers in said territory, I have thought proper to issue this my proclamation, notifying all persons whom it may concern, that the jurisdiction of this State is now extended over all the territory in the occupancy of the Cherokees, included within the limits of this State, and which was by an act, passed by the last Legislature of this State, made a part of the counties of Carroll, De Kalb, Gwinnett, Hall, and Habersham, and that all persons residing therein are subject to said jurisdiction; and to warn all persons, whether citizens of this or other States, or Indian occupants, to cease all further trespass upon the property of the State, and especially from taking any gold or silver from the lands included within the territory occupied by the Cherokee Indians, and so as aforesaid added to the counties aforesaid; and to direct all persons to quit possession of said lands, and depart from said territory without delay, except such as by law, or the assent of the State, are permitted to occupy the same, and to require all officers of the State, within the counties aforesaid, to be vigilant in enforcing the laws for the protection of public property, and especially to prevent any further trespass upon the lands of the State, or the taking of any gold or silver therefrom.

Given under my hand, and the great seal of the State, at the state-house, in Milledgeville, this third day of June, in the year of our Lord eighteen hundred and thirty, and of American Independence the fifty-fourth.

By the Governor.

GEORGE R. GILMER.

EVERARD HAMILTON, *Secretary of State*.

A PROCLAMATION.

GEORGIA.—*By his excellency George R. Gilmer, Governor, and commander-in-chief of the army and navy of this State, and of the militia thereof.*

Whereas the General Assembly of the State of Georgia did, on the 19th

December, 1829, pass the following act, to wit: An act to add the territory lying within the chartered limits of Georgia, and now in the occupancy of the Cherokee Indians, to the counties of Carroll, De Kalb, Gwinnett, Hall, and Habersham; and to extend the laws of this State over the same; and to annul all laws and ordinances made by the Cherokee nation of Indians; and to provide for the compensation of officers serving legal process in said territory; and to regulate the testimony of Indians; and to repeal the ninth section of the act of 1828, upon the subject.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all that part of the unlocated territory within the limits of this State, and which lies between the Alabama line and the old path leading from the Buzzard Roost, on the Chatahoochie, to Sally Hughe's, on the Hightower river; thence, to Thomas Petet's, on the old Federal road; thence, with said road, to the Alabama line, be, and the same is hereby added to, and shall become a part of, the county of Carroll.

Sec. 2. *And be it further enacted,* That all that part of said territory, lying and being north of the last mentioned line, and south of the road running from Charles Pates' ferry, on the Chatahoochie river, to Dick Roe's, to where it intersects with the path aforesaid, be, and the same is hereby added to, and shall become a part of, the county of De Kalb.

Sec. 3. *And be it further enacted,* That all that part of said territory, lying north of the last mentioned line, and south of a line commencing at the mouth of Baldridge's creek; thence, up said creek, to its source; from thence to where the Federal road crosses the Hightower; thence, with said road, to the Tennessee line, be, and the same is hereby added to, and shall become a part of, the county of Gwinnett.

Sec. 4. *And be it further enacted,* That all that part of said territory lying north of said last mentioned line, and south of a line to commence on the Chesstatee river, at the mouth of the Yoholo creek; thence, up said creek, to the top of the Blue ridge; thence, to the head waters of Notley river; thence, down said river, to the boundary line of Georgia, be, and the same is hereby added to, and shall become a part of, the county of Hall.

Sec. 5. *And be it further enacted,* That all that part of said territory lying north of said last mentioned line, within the limits of this State, be, and the same is hereby added to, and shall become a part of, the county of Habersham.

Sec. 6. *And be it further enacted,* That all the laws, both civil and criminal, of this State, be, and the same are hereby extended over said portions of territory respectively; and all persons whatever, residing within the same, shall, after the first day of June next, be subject and liable to the operation of said laws, in the same manner as other citizens of this State, or the citizens of said counties respectively; and all writs and processes whatever, issued by the courts or officers of said courts, shall extend over, and operate on, the portions of territory hereby added to the same respectively.

Sec. 7. *And be it further enacted,* That, after the first day of June next, all laws, ordinances, orders, and regulations of any kind whatever, made, passed, or enacted, by the Cherokee Indians, either in general council, or in any other way whatever, or by any authority whatever of said tribe, be, and the same are hereby declared to be null and void, and of no effect, as if the same had never existed; and in all cases of indictment or civil suits, it shall

not be lawful for the defendant to justify under any of said laws, ordinances, orders, or regulations, nor shall the courts of this State permit the same to be given in evidence on the trial of any suit whatever.

Sec. 8. *And be it further enacted*, That it shall not be lawful for any person, or body of persons, by arbitrary power, or by virtue of any pretended rule, ordinance, law, or custom of said Cherokee nation, to prevent by threats, menaces, or other means, to endeavor to prevent any Indian of said nation, residing within the chartered limits of this State, from enrolling as an emigrant, or actually emigrating or removing from said nation; nor shall it be lawful for any person, or body of persons, by arbitrary power, or by virtue of any pretended rule, ordinance, law, or custom of said nation, to punish in any manner, or to molest either the person or property, or to abridge the rights or privileges of any Indian for enrolling his or her name as an emigrant, or for emigrating, or intending to emigrate, from said nation.

Sec. 9. *And be it further enacted*, That any person, or body of persons, offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment; and, on conviction, shall be punished by confinement in the common jail of any county of this State, or by confinement at hard labor in the penitentiary for a term not exceeding four years, at the discretion of the court.

Sec. 10. *And be it further enacted*, That it shall not be lawful for any person, or body of persons, by arbitrary power, or under color of any pretended rule, ordinance, law, or custom of said nation, to prevent, or offer to prevent, or deter any Indian, head-man, chief, or warrior of said nation, residing within the chartered limits of this State, from selling or ceding to the United States, for the use of Georgia, the whole or any part of said territory; or to prevent, or offer to prevent, any Indian, head-man, chief, or warrior, of said nation, residing as aforesaid, from meeting in council or treaty, any commissioner or commissioners, on the part of the United States, for any purpose whatever.

Sec. 11. *And be it further enacted*, That any person, or body of persons, offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment; and, on conviction, shall be confined at hard labor in the penitentiary for not less than four, nor longer than six years, at the discretion of the court.

Sec. 12. *And be it further enacted*, That it shall not be lawful for any person, or body of persons, by arbitrary force, or under color of any pretended rules, ordinances, law, or custom, of said nation, to take the life of any Indian residing as aforesaid, for enlisting as an emigrant, attempting to emigrate, ceding, or attempting to cede as aforesaid, the whole or any part of said territory, or meeting, or attempting to meet in treaty or in council as aforesaid, any commissioner or commissioners as aforesaid; and any person, or body of persons, offending against the provisions of this section, shall be guilty of murder, subject to indictment, and, on conviction, shall suffer death by hanging.

Sec. 13. *And be it further enacted*, That should any of the foregoing offences be committed under color of any pretended rules, ordinance, custom, or law of said nation, all persons acting therein, either as individuals, or pretended executive, ministerial, or judicial officers, shall be considered and deemed as principals, and subject to the pains and penalties hereinbefore presented.

Sec. 14. *And be it further enacted*, That, for all demands which may come within the jurisdiction of a magistrate's court, suit may be brought for

the same in the nearest district of the county to which the territory is hereby annexed; and all officers, serving any legal process, or any person living on any portion of the territory herein mentioned, shall be entitled to receive the sum of five cents for every mile he may ride to serve the same, after crossing the present limits of said counties, in addition to the fees already allowed by law; and in case any of said officers should be resisted in the execution of any legal process issued by any court or magistrate, justice of the inferior court, or judge of the superior court, of any of said counties, he is hereby authorized to call out a sufficient number of the militia of said counties, to aid and protect him in the execution of his duty.

Sec. 15. *And be it further enacted*, That no Indian, or descendant of any Indian, residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness in any court of this State to which a white person may be a party, except such white person reside within the said nations.

And whereas, by the above recited act, all the laws of this State, both civil and criminal, became extended over the territory described in said act, and in full operation upon all persons residing therein, on the first day of the present month: and whereas, by the said act, all the laws, ordinances, orders, and regulations, which have been hitherto passed by said tribe of Indians, or the chief men thereof, are, by the said act, rendered null and void, and all persons attempting to enforce the same, subject to punishment therefor: and whereas, by the said act, it is also made highly penal to prevent, or attempt to prevent, any Indian residing within said territory from emigrating therefrom, or to use the means therein described to prevent a cession of said territory for the use of this State: and whereas, said Cherokee Indians have, for some time past, been attempting to establish a government, independent of the authority of this State, and have, since the passage of the said recited act, violated the rights of the citizens of this State, under highly aggravating circumstances, under pretence of executing the legal orders of the principal chiefs of said tribe: and whereas, the rulers and head-men of said tribe have continued, since the passage of said act, to excite the Indians under their influence against submission to the operation of the laws of this State, and have attempted to prevent the enforcement of the same, by applying to the Congress of the United States to interpose the powers of the Union to protect them therefrom, and have, by various other acts, evinced a spirit of determined hostility against the government of this State: now, therefore, that the sovereign authority of this State, over all the persons within its limits, may be duly acknowledged and respected, and the rights of its citizens preserved, and that the Indian people occupying its territory, under the protection of its laws, may be relieved from the oppression to which they have been hitherto subjected by the laws and customs of their tribe, or the arbitrary power of their chiefs, I have thought proper to issue this, my proclamation, giving notice to all persons that said recited act is now in force, and all Indians and others residing within said territory and elsewhere, are warned not to violate its enactments; and every officer, civil and military, is hereby required, and every patriotic citizen of the State urged, to aid in the enforcement thereof, and especially in causing the penalties for its violation to be certainly inflicted upon each and every chief, head-man, or other Cherokee Indian, or any other person residing in said territory, who shall exercise, or attempt to exercise, any authority within said territory, under pretence, or by virtue of any Cherokee law, ordinance, order, or regulation whatsoever,

or who shall, by virtue of any such pretended authority, prevent, or attempt to prevent, any Indian from emigrating from said territory, or enrolling himself for that purpose, or who shall, in like manner, punish or molest either the person or property, or abridge the rights or privileges, on account of his or her enrolling as an emigrant, or intending to emigrate, or who shall, by virtue of any such pretended authority, or by any arbitrary power, prevent, or offer to prevent or deter, any Indian, headman, chief, or warrior, residing within said territory, from selling or ceding to the United States, for the use of Georgia, the whole or any part of said territory, or prevent such person or persons, so residing, from meeting in council or treaty any commissioner or commissioners of the United States for any purpose whatever, or who shall, by virtue of any such pretended authority, or by any arbitrary force, put to death any Indian for enrolling as an emigrant, or attempting to emigrate, ceding or attempting to cede, the whole or any part of said territory, or meeting, or attempting to meet in council for that purpose.

Given under my hand and the great seal of the State, at the state-house in Milledgeville, this third day of June, in the year of our Lord one thousand eight hundred and thirty, and of American Independence the fifty-fourth.

By the Governor.

GEORGE R. GILMER.

EVERARD HAMILTON, *Secretary of State*

MILLEDGEVILLE, June 17, 1830.

Your note of yesterday, requesting any information I might be in possession of as regards the conduct of the intruders digging for gold in the Cherokee country, is before me.

I was at the gold mines, in the Cherokee nation, previous to and at the time the United States' troops arrived there. The day previous to the arrival of the troops there was considerable excitement amongst the gold diggers, some declaring they would not leave the mines at all; others, of better information, persuading them it was best to go away peaceably. On the arrival of the United States' troops, the officer commanding the detachment, Captain Brady, issued his orders, and gave them a few days to get their property away, previous to his having their huts burnt. Every man, I believe, would have left the country immediately; but, on the second day after the arrival of the troops, the Indians and white men who lived in the nation flocked in and took charge of the mines that the intruders had just left. This was sufficient to rouse all the unpleasant feeling that had just been put down by men of influence and standing among these people. The intruders left the mines, swearing vengeance against the Indians and whites who had taken charge of the mines they had opened. On my return home, I met several persons going back to the mines, stating they had as much right to dig as the white men in the nation, and that they would do so unless stopped by the Executive power of Georgia.

Very respectfully, yours, &c.,

PETER J. WILLIAMS.

His Excellency GEORGE R. GILMER.

HALL COUNTY, GEORGIA, June 7, 1830.

SIR: Having been an intruder on Indian land in the gold region, and being fully acquainted with the feelings of those who have been compelled to leave the mines, I take the liberty (though a stranger) to let you know the situation of this part of our frontier.

Perhaps you have not known, in the course of your useful life, such a spirit of indignation as exists here. Those who have been compelled to decline the gold business, are in the habit of going over on the branches, where they discover the white men of the nation engaged in working the lots which they have paid their money for, which provokes them much, and the hue and cry with them is, that if the State of Georgia does not prevent the Indians from digging, that they will. It is feared that mobs may be got up that may cause bloodshed. It is true, that one captain has gone so far as to call his company together, preparatory to the removal of the natives; but not much is to be feared from him. But the spirit is prevalent here, and those that are so fool-hardy have been quieted, for a time, by the fluence of those who are better disposed. If there could be any way adopted to prevent the natives, satisfaction would again visit us; but short of that, I fear there will be mischief done. The policy of Georgia, and the saying of the President, Secretary of State, and Congress, will be an excuse for any outrage, or at least will be relied on.

A line from you as to the course which should be pursued, would, I have no doubt, be of service. I shall [expect] a note from you on the subject soon.

Your obedient servant,

P. L. GOODMAN.

P. S. Mr. Williams, who will hand you this, will inform you more fully.
Governor GILMER. P. L. G.

Extract from a letter from the Honorable Augustin S. Clayton, dated June 11th, 1830, to his Excellency Governor Gilmer.

"You have, no doubt, learned, by this time, that the gold diggers have been removed by the United States' troops; and I understand they have been succeeded by a vast number of Indians, and others, residing in the nation. This I believe to be wrong, and in violation of the rights of the State, and am glad you hold the same opinion, as exhibited in your proclamations. The reasoning which produces this result is simple and plain."

WAR DEPARTMENT, June 26, 1830.

SIR: I have the honor to enclose copies of the several communications to the Governor of Georgia, the agent, Colonel Montgomery, General Maccomb, and the officer commanding the United States' troops in the Cherokee country, made this day.

By reference to the communications you will find that the mining operations (which seem to be the subject of the present apprehended disturbances) have been positively prohibited until further orders. The communications have met the approbation of the Attorney General, to whom I was referred by you in the event that such a contingency should arise in our Indian relations.

Very respectfully,

Your obedient servant,

P. G. RANDOLPH,

Acting Secretary of War.

ANDREW JACKSON,

President of the United States.

P. S. Copies of these papers have not been forwarded to the Secretary of War, not knowing where to direct to him.

P. G. R.

WAR DEPARTMENT, June 26, 1830.

SIR: Advices have reached the department that disturbances are likely to arise in the Cherokee country between the squatters, lately removed by order of the Government, and the Indians and Indian countrymen, who have taken possession of the disputed mineral country, in consequence of the latter having commenced the mining operations, from which privilege the former were interdicted.

The Governor of Georgia has also addressed to the President a communication, urging the claim of that State, as the ultimate proprietor of the soil, to the metals which it contains, and appealing to him to prevent their removal. With the double object of enabling the President, to whom the communication of Governor Gilmer has been forwarded, to decide upon the measures proper to be pursued in this emergency, and to prevent, in the mean time, the disturbances which may be apprehended, I have to request you to direct the commanding officer in the Cherokee country to prevent, until further orders, all persons whatsoever from working the mines, or searching for or carrying off gold and silver, or other metals, from the nation.

Pacific measures will first be advised to effect this object; but if these should not succeed, resort to force must be authorized to accomplish it.

Very respectfully,

P. G. RANDOLPH,

Acting Secretary of War.

To Maj. Gen. A. MACOMB.

HEAD QUARTERS OF THE ARMY,

Washington, June 26, 1830.

SIR: In pursuance of instructions from the War Department, you are hereby instructed, until further ordered, to prevent all persons whatsoever from working the mines in the Cherokee nation, or searching for and carrying away gold and silver, or other metal therefrom.

In carrying into execution this order, you will, in the first instance, endeavor

vor to remove the intruders by pacific measures; but should you fail therein, you must resort to the force under your command to compel obedience.

I have the honor to be, sir,

Your obedient servant,

ALEXANDER MACOMB,

Major General Commanding the Army.

To the COMMANDING OFFICER OF THE TROOPS OF THE UNITED STATES,
In the Cherokee Nation, Calhoun, Tennessee.

WAR DEPARTMENT, June 26, 1830.

SIR: You will perceive, by the enclosed that orders have been issued to the commanding officer in the Cherokee nation, to suspend the mining operations until further orders; and that instructions have been given to the agent, (Colonel Montgomery,) to co-operate with the commanding officer, in the execution of the duty assigned.

I have the honor to be,

Very respectfully,

Your obedient servant,

P. G. RANDOLPH,

Acting Secretary of War.

To his Excellency GEORGE R. GILMER,
Milledgeville, Georgia.

WAR DEPARTMENT, June 26, 1830.

SIR: An order has been this day issued to the officer commanding the United States' troops in the Cherokee nation, directing him, until further orders, to prevent *all persons* from working the mines, or searching for and carrying away gold or silver, or either metal, from the Cherokee nation.

In accordance with the above order, you will aid the commanding officer in the execution of the task assigned him, by any means which may appear advisable to promote the object desired.

In this delicate crisis, it is imperiously necessary that you should exercise a sound discretion, and that the most pacific and conciliatory measures should be first appealed to; and, under no circumstances, to resort to coercive measures until that resort can be no longer avoided.

You will advise the Secretary of War, at Nashville, Tennessee, of the steps taken in execution of the duty assigned to you.

I am, very respectfully,

Your most obedient servant,

P. G. RANDOLPH.

Acting Secretary of War.

To Colonel H. MONTGOMERY,
Cherokee Agent, Calhoun, Tennessee.

Extract of a letter from General John Coffee, to Hon. John H. Eaton, Secretary of War, dated

FLORENCE, December 8, 1830.

"Herewith, I send you the book of journals of the proceedings had with the Chickasaw and Choctaw Indians, at the late treaties. I have just received it from Dr. Breathitt for my signature, and to be forwarded to you.

"The latest accounts from the Choctaws, say, that the discontented of them have become much better reconciled to the treaty; demagogues have failed in their attempts to excite them to acts of hostility among themselves, and I hope all will go on well."

FRANKLIN, TENNESSEE, *Monday, August 23, 1830.*

FRIENDS AND BROTHERS: Your great father is rejoiced once again to meet and shake you by the hand, and to have it in his power to assure you of his continued friendship and good will. He can cherish none but the best feelings for his red children, many of whom, during the late war, fought with him in defence of our country.

By a communication from your elder brethern and neighbors, the Choctaws, during last winter, your great father learned that, in consequence of the laws of Mississippi being extended over them, they were in great alarm; and of their own free will, and without any application from him, they asked to leave their country, and retire across the Mississippi river. The treaty sent by them to him, was laid before the Senate of the United States, and they refused to approve it. Solicitous to avoid every act, the tendency of which might be, to deceive or impose upon his red children, he laid the treaty which was presented to him before the Senate, with the protest which had been forwarded against it by the opposite party of the Choctaw nation, that all the circumstances might be fully known. It was rejected. Of these things, their confidential agent, Major Haley, was advised, and he was requested to make them known to the Choctaws. Understanding from him that they were desirous to see and converse with their great father, on this important subject, in accordance with that desire he agreed to meet them at this place. With regret he now learns they have declined their engagement.

By an act of Congress, it was placed in his power to extend justice to the Indians; to pay the expenses of their removal; to support them for twelve months; and to give them a grant for lands which should endure "as long as the grass grows, or water runs." A determination was taken immediately to advise his red children of the means which were thus placed at his disposal, to render them happy and preserve them as nations. It was for this, that he asked his Chickasaw and other friends to meet him here. You have come, and your great father rejoices to see you; and, face to face, to tell you, through his commissioners, the truth, and point you to a course which cannot fail to make you a happy and prosperous people. Hear and deliberate well on what he shall say; and, under the exercise of your own reason and matured judgment, determine what may appear to you best to be done for the benefit of yourselves and your children. Brothers, you have long dwelt upon the soil you occupy; and in early times, before the white man kindled his fires too near to yours, and by settling around, narrowed down the limits of the chase, you were, though uninstructed, yet a happy people. Now, your white brothers are around you; they compass you about every where; states have been created within your limits, which claim a right to govern and control your people as they do their own citi

zens, and to make them answerable to their civil and criminal codes. Your great father has not the authority to prevent this state of things, and he now asks if you are prepared and ready to submit yourselves to the laws of Mississippi; make a surrender of your ancient laws and customs, and peaceably and quietly live under those of the white man.

Brothers, listen: the laws to which you must be subjected are not oppressive, for they are those to which your white brothers conform, and are happy under them; you will not be permitted to seek private revenge, but in all cases where wrong may be done you, through them, to demand redress. No taxes upon your property or yourselves, except such as may be imposed upon a white brother, will be assessed against you. The courts will be open for the redress of wrongs, and bad men will be made answerable for whatever crimes or misdemeanors may be committed by any of your people, or our own.

Brothers, listen: to these laws, where you are, you must submit; there is no preventive, no alternative. Your great father cannot, nor can Congress, prevent it; the states only can. What then? Do you believe that you can live under those laws? That you can surrender all your ancient habits, and the forms by which you have been so long controlled? If so, your great father has nothing to say, or to advise. He has only to express a hope, that you may find happiness in the determination you shall make, whatever it may be. His earnest desire is, that you may be perpetuated and preserved as a nation; and this, he believes, can only be done and secured by your consent to remove to a country beyond the Mississippi, which, for the happiness of our red friends, was laid out by the Government a long time since, and to which it was expected, ere this, they would have gone. Where you are, it is not possible you can live contented and happy. Besides, the laws of Mississippi which must operate upon you, and which your great father cannot prevent, white men, continually intruding, are with difficulty kept off your lands, and every day inconveniences and difficulties continue to increase around you.

Brothers: the law of Congress, usually called their "intercourse act," has been resorted to, to afford relief; but, in many instances, has failed of success. Our white population has so extended around in every direction, that difficulties and troubles are to be expected. Cannot this state of things be prevented? Your firm determination only can do it.

Brothers, listen: the only plan by which this can be done, and tranquillity for your people obtained, is, that you pass across the Mississippi to a country in all respects equal, if not superior, to the one you have. Your great father will give it to you for ever, that it may belong to you and your children while you shall exist as a nation, free from all interruption.

Brothers: there is no unkindness in the offers made to you; no intention or wish is had to force you from your lands; but rather to intimate to you what is for your own interest. The attachment you feel for the soil which encompasses the bones of your ancestors is well known; our forefathers had the same feeling, when, a long time ago, to obtain happiness, they left their lands beyond the great waters, and sought a new and quiet home in these distant and unexplored regions. If they had not done so, where would have been their children? and where the prosperity they now enjoy? The old world would scarcely have afforded support for a people who, by the change their fathers made, have become prosperous and happy. In future time, so will it be with your children. Old men! arouse to energy, and lead your

children to a land of promise and of peace, before the Great Spirit shall call you to die. Young chiefs! forget the prejudices you feel for the soil of your birth, and go to land where you can preserve your people as a nation. Peace invites you there; annoyance will be left behind; within your limits, no State or territorial authority will be permitted; intruders, traders, and above all, ardent spirits, so destructive to health and morals, will be kept from among you, only as the laws and ordinances of your nation may sanction their admission. And, that the weak may not be assailed by their stronger and more powerful neighbors, care shall be taken, and stipulations made, that the United States, by arms, if necessary, will preserve and maintain peace amongst the tribes, and guard them from the assaults of enemies of every kind, whether white or red.

Brothers, listen: these things are for your serious consideration, and it behoves you well to think of them. The present is the time you are asked to do so. Reject the opportunity which is now offered to obtain comfortable homes, and the time may soon pass away when such advantages as are now within your reach may again be presented. If, from the course you now pursue, this shall be the case, then call not upon your great father hereafter to relieve you of your troubles; but make up your minds conclusively to remain upon the lands you occupy, and be subject to the laws of the State where you now reside, to the extent her own citizens are. In a few years, by becoming amalgamated with the whites, your national character will be lost; and then, like other tribes who have gone before you, you must disappear and be forgotten.

Brothers: if you are disposed to remove, say so, and state the terms you may consider just and equitable. Your great father is ready, and has instructed his commissioners to admit such as shall be considered liberal, to the extent that he can calculate the Senate of the United States will sanction; and terms of any other character it would be useless for you to insist upon, as, without their consent and approval, no arrangement to be made could prove effectual. Should you determine to remain where you are, candidly say so; and let us be done with the subject, no more to be talked of again. But if disposed to consult your true interest, and to remove, then present the terms, on which you are willing to do so, to my friends and your friends, the Secretary of War and General John Coffee, who are authorized to confer with you; and who, in the arrangements to be made, will act accordingly, fairly and liberally towards you.

ANDREW JACKSON.

Which, having been in like manner read and interpreted to the Chickasaw delegation, they, agreeably to the request of the commissioners, retired into private council, for the purpose of examining and deliberating upon the propositions therein submitted to their consideration.

On Thursday, the 26th August, 1830, at ten o'clock, A. M., the commissioners again met the delegates in full council; when, after a few preliminary remarks, relative to the importance and solemnity of the occasion, the delegates, by the hands of Mr. McLish, their secretary, delivered the following response to the talk of the President:—

FRANKLIN, (TE.) *August 25, 1830.*

FRIENDS AND BROTHERS: We, the chiefs and head-men of the Chickasaw nation of Indians, have, by the request of our great father, the President of the United States, met him at this place, shook hands with him, and our hearts were glad that we were permitted once more, by the Great Spirit, to

see his face and shake him by the hand. The kind reception that we met with from our father, the President, and the hospitable treatment that we have received from the Secretary of War (Major Eaton) and the citizens of Franklin generally, awakens in our bosoms a lively sense of gratitude, which never can be erased only by a termination of our existence.

Friends and Brothers: our father, the President, has communicated to us, through you, (Major Eaton and Gen. Coffee,) his earnest desire to make us a prosperous and a happy people; and, to accomplish this great object, that is to us so desirable, he proposes to give us a country, west of the Mississippi, in exchange for the country we now possess, in fee simple, or, to use his own words, "as long as the grass grows, and water runs."

Friends and Brothers: this subject is of the greatest importance to us, as a nation. We approach it with fear and trembling; for, on this occasion, our fate will be sealed. We will be either a happy and prosperous people, or a poor, miserable race of beings. But we trust in the Great Spirit, that he will continue to bless and comfort us, as he has done from the earliest period of our existence.

Friends and Brothers: we, the Chickasaws, have occupied the country, not only where we now live, from time immemorial, but a large portion of the rich and fertile lands of Tennessee and Alabama, which are now covered with large farms, flourishing cities, and villages. We have, from time to time, sold piece after piece of our country, to our white brothers, to suit their views and interest, until we have but a small home left, that is barely sufficient to subsist upon while living, and to bury our bones when we are dead.

It is acknowledged that we were the first to build fires upon the land we now occupy. Yes! our fireside has been sought for by our white brothers: they saw it. We saw them approach with timidity. We met them, took them into our wigwams, warmed them, fed them, and treated them like brothers; and now we think it extremely hard, at this advanced period of our lives, to be informed that we must, from necessity, if we wish to preserve ourselves as a nation—that we must seek a home in an unknown region of the West.

Friends and Brothers: we are informed by our father, the President of the United States, that states have been formed around us, and now claim the right of extending their laws throughout their territorial limits, consequently subjecting *us* to their civil and criminal laws. Should we find it expedient to remain where we are, and the States of Mississippi and Alabama extend their laws over us, we would view it an act of usurpation on their part, unwarranted by the Constitution of the United States and the treaties that now exist, unparalleled in history, and, in many instances, the greatest grievances and hardships would be imposed upon us.

Our father, the President, informs us, that we will be subjected only to such laws as govern the whites, and that courts will be open for the redress of wrongs that will be done to us, as well as for wrongs that the Indians may do to the white men. This may, at the first view, appear fair and just; and, in fact, would be, provided that our people possessed an equal education and intelligence that is diffused amongst our white brothers.

Father: your red children view this state of things with feelings of the deepest regret, and are strongly impressed with the belief that you sincerely feel a desire to make us happy. Also, that the citizens of the State of Mississippi and Alabama are perfectly aware, that by the extension of their laws

over us it would not benefit us one cent, but effect an object so desirable to themselves; that is, to drive us from our homes and take possession of our lands.

Father: you call us your children, whom you profess to have the highest regard for. We know you are sincere in your professions, and it creates in our bosoms the highest feelings of affection towards you, as the great father and protector of your white and red children. But we humbly beg leave to represent to you, that we now conceive that we have now arrived to the age of maturity, and that we may continue to act on this important occasion as will be best calculated to obtain so desirable an object—peace, quietness, and a perpetual home; and, at the same time, we feel a disposition to accommodate the views of our father, in exchange of country, as you have proposed, if you will let us examine your country, and we can find one, that you have not already disposed of, that will be equal to the one we now occupy. We will then talk in earnest about an exchange.

Candor towards you, and justice to ourselves, compel us to say to you, that we cannot consent to exchange the country where we now live, for one that we never have seen.

Major LEVI COLBERT, his x mark,
Col. G. COLBERT,
Major JAS. COLBERT,
Captain WM. McGILVERY,
Captain JAS. BROWN,
ISAAC ALBERSON,
TO-PUL-KA,
ISH-TA-YA-TUBBE,
AH-TO-KO-WA,
HUSH-TA-TA-BE,
IN-NE-WAK-CHE,
OAK-LA-NA-YA-UBBE,
O-HE-KA-UBBE,
IM-MO-LA-SUBBE,
IM-MO-HOAL-TA-TUBBE,
ISH-TE-KIE-YO-KA-TUBBE,
ISH-TE-HI-A-CHA,
IN-HI-YO-CHE-TUBBE,
KIN-HE-CHE.

J. McLISH, *Secretary for the Nation.*

At five o'clock in the evening of the same day, (26th August,) the council again assembled, when the commissioners delivered another talk, which is as follows:—

FRANKLIN, *August 26, 1830.*

FRIENDS AND BROTHERS: We have received your talk. It is candid: it is such as we had expected our Chickasaw brothers to make to us. We have shown it to your great father, and, with his approval obtained, we ask you to listen to what we shall say.

Brothers: it is not the fault of your great father, that the laws of Mississippi are extended over you. A long time ago, before the United States Government existed, Georgia existed as a State, and owned jurisdiction over all the lands which lie in your country. When the King of Great Britain lost all this country by the right of conquest, Georgia became entitled to all her privileges of government; so it was with each state in the Union. Afterwards, all united and formed one government, called the Federal Go-

vernment, over which your great father now presides. Each State gave up a portion of its rights, but not all of them. Those which they did not give up, still belong to them. Georgia did not surrender to the General Government any jurisdiction over the soil of her territory. She retained the right to manage her lands and the people, no matter whether red or white, who live on them, and to make them answerable for crimes, to punish them for wrongs committed, to make them pay taxes, to attend musters, to keep the roads in repair, and contribute to the support of Government when called upon to do so. All these are rights which Mississippi and Alabama, being parts of what Georgia was, can enforce, without the leave, consent, or interference of the President or Congress. Blame not your great father, for he cannot help it. You must submit to the laws.

Brothers: your great father is anxious to preserve you, and to ward off injury from you. He knows you cannot live under those laws. To do so, will render you a miserable and unhappy people. A few of you might do so, who have the advantages of experience and education, but the great body of the Indians cannot. Why, then, not consent to remove at once, and save your people from a state of things under which it is evident you cannot live? What interest can your great father have? He very well knows that the laws will come upon you; laws, which prohibit any Indian, under heavy penalties, from even acting as a chief. He knows that all your ancient usages will be broken down, and constant interruptions, troubles, and difficulties be felt. Presently, you will call upon your great father to relieve you, and then it may not be in his power. He may not be able, hereafter, to save you.

Brothers: last winter Congress gave a large sum of money to pay the expenses of such Indians as might choose to remove. Many members were opposed to it, and the act passed by a very few votes. Congress may not be willing hereafter to give any more money, nor could your great father ask it after so repeatedly (and without success) advising his red children to their interest. Brothers, if this should be the case, you must stay where you are and submit to the laws; and when you cannot do it, go to the West, and pay your own expenses. This a few of you may do; but the poor Indians cannot. Think of this, and preserve your people while it is in your power; for very soon you may lose the opportunity; and, then, misery and wretchedness will be the consequence. It is to avoid this, to save you from ruin, that your great father, in tenderness to his red children, now advises them to act, and to act speedily.

Brothers: are any of you willing to remain to live as the white men, and submit to his laws; then, take as reservations, comfortable homes and farms, and become citizens of the States. Which lands, so reserved, shall be yours and your children's, in fee simple for ever. And let the uninstructed Indian, if he choose, go west, and rid himself of the operation of laws, under which, be assured, he can never, never live, and be happy.

Brothers: we wish to give you a pleasant country, of good soil, good water and climate, and in extent sufficient for all your wants; and when you are gone, for the wants of your children. We feel a high and weighty responsibility. We are advising our red brothers for their own prosperity's sake to remove, that they may rest in a country free from the white man's interruption, and be happy. In effecting this desirable end we are answerable to our own feelings, and to our beneficent Father, the Great Spirit above, who rules and governs the universe; we will not practice towards

on g or deception. We will not impose upon you. Your great father would not, if we were willing, suffer us to do it. Beyond the Mississippi is an extensive, valuable, and fertile country, where a home, and a happy one, can be selected. Consent now to receive it, or the opportunity may soon be lost to you forever. Other tribes wish to remove, and they may select the lands which now you have the opportunity to obtain for your children, but which, presently, may be gone from your reach.

Brothers: some of the Indians in Ohio wish to remove. They have tried, and find that they cannot live amongst the whites. Since your great father's talk to you, they have written, asking to exchange their lands, and to be permitted to remove. The Indians of New York, after many years of unsuccessful trial, have found themselves unable to live and to be happy; and at their own expense have purchased land upon Lake Michigan, and are moving to settle it. The tribes living in the northwestern States are manifesting a desire to leave their homes, and be to themselves. They are not happy: they cannot live amongst the whites. When they shall apply, their great father must take care of and provide them a country. If they select that which you would prefer, it will then be out of the power of your great father to assist you, as now he is disposed to do.

Brothers: act, and act at once. Let it be stipulated (for we are willing to do so) that a country of equal climate, soil, and extent, shall be laid off for you, where other tribes do not interfere; and if, on going there, it shall not be found suited to your wants and expectations, an annuity, for a limited time, shall be stipulated to be paid you; or additional lands, if to be obtained from neighboring tribes, provided you shall prefer it, shall be purchased for you.

We ask you, then, to reconsider the last part of your talk, and let us go forward and see if we cannot come to some arrangement with which you will be satisfied, and your people made happy.

Enough has been said to you. Think and act, and act at once. This is an important crisis in your affairs. Misery or happiness must and will follow on the decision you shall make. Consider and act, then, before it be too late.

Your friends and brothers,

JOHN H. EATON,
JOHN COFFEE.

When the foregoing talk had been read and interpreted, the chiefs expressed their confidence in the sincerity of their great father, the President; their conviction that he proposed what he believed calculated to promote their happiness and prosperity; said that they had never known him to speak with two tongues, and that they would retire further to consider of his talk, and that of the commissioners.

On Friday, 27th August, the President having received a communication informing him that the chiefs desired to see him before his departure from Franklin, met them in their council room, and there received from them the following address:

FRANKLIN, TENNESSEE, *August 27, 1830.*

Your red children, the chiefs and head-men of the Chickasaws, have had under consideration the talk of our father, and also the talk delivered to us by the commissioners, Major Eaton and General Coffee.

The subject submitted for our consideration is, to us, of great importance.

On the decision we this day make and declare to you, and to the world, depends our fate as a nation and as a people.

Father, you say that you have travelled a long ways to talk to your red children. We have listened, and your words have sunk deep into our hearts. And as you are about to set out for Washington city, before we shake our father's hand, perhaps with many of us the last time, we have requested this meeting to tell you, that after sleeping upon the talk you sent us, and talks delivered to us by our brothers, Major Eaton and General Coffee, we are now ready to enter into a treaty, based upon the principles as communicated to us by Major Eaton and General Coffee.

Your friends and brothers,

G. COLBERT,
L. COLBERT,
JAS. COLBERT,
WM. MCGILVERY,
JAS. BROWN,
ISAAC ALBERSON,
TO-PUL-KA,
ISH-TA-YA-TUBBE,
AH-TO-KO WA,
HUSH-TA-TA-BE,
IN-NE-WAK-CHE,
OAK-LA-NA-YA-UBBE,
O-HE-KA-UBBE,
IM-MO-LA-SUBBE,
IM-MO-HOAL-TA-TUBBE,
ISH-TE-KIE-YO-KA-TUBBE,
ISH-TE-HI-A-CHA,
IN-HI-YO-CHE-TUBBE,
KIN-HE-CHE.

J. McLISH, *Secretary for the Nation.*

TO OUR GREAT FATHER, *the President.*

To this the President replied, verbally, that it was true he had travelled a long distance that he might see them face to face, and direct them to what he believed their best interest required. Important business, he said, required his presence at Washington, and he could no longer remain with them. He therefore, he said, confided the conduct of the business to his friends, the commissioners, who had his instructions to act liberally towards them. He then took his leave.

On Saturday, 28th August, the commissioners received from the chiefs, through the hands of Colonel Reynolds, the agent, the following written proposals:

That each head of an Indian family shall be entitled to a reservation of 160 acres, and the like quantity of acres for each one of his family; so that each individual shall have 160 acres: title to be made in fee simple.

That each head of a family, not choosing to take a reservation for himself and family, shall be entitled to dollars, in lieu thereof.

That each person emigrating shall be paid for their improvements and stock of all kinds, and for household and kitchen furniture, which may not be removed.

To these proposals, the commissioners returned, through the agent, a verbal answer, stating, that reservations to women and children could not be

thought of, that they never had been usual, and that new principles could not be introduced.

Two hours afterwards, the commissioners received from the Indians a second proposal, communicated through Col. Reynolds, the agent, the substance of which is—

That twenty dollars a head be paid to each man, woman and child of the nation, annually for ten years, to be taken in lieu of reservations.

The commissioners, estimating the whole number of souls in the nation at five thousand, which, at the rate proposed, would make the annuity amount, in ten years, to one million of dollars, returned for answer, that the demand exceeded what they considered liberal, and could not be admitted. That they could not think of providing them a country equal to that which they should leave—removing them, supporting them for one year, compensating them for their improvements and stock—and then having to pay them, besides, so large an amount by way of annuity. That if they desired to treat, they must make their propositions reasonable, but not exorbitant. That it was useless to conclude a treaty upon principles other than those to which it might be inferred the Senate would be disposed to agree.

On Sunday, 29th August, the commissioners were informed, verbally, through the agent, that the delegation having made two propositions, both of which had been rejected, had nothing more to present for consideration; and requested that now some proposal might be submitted to them.

Whereupon, in the evening of the same day, the commissioners communicated to the delegation in council, the following terms, as the basis of a treaty:

Each warrior, or widow who has a family, shall have a reservation of half a section of land, (320 acres,) to be surveyed and bounded by legal subdivisions, and lying together. If they shall reside on it five years, at the expiration of that time, they shall receive a grant in fee simple, or, if they prefer to remove west, they may relinquish their claim to the United States, and receive therefor one dollar and a half an acre, to be paid in ten annual instalments. It is agreed that the whole number of warriors and widows with families, shall not exceed five hundred, and that both together shall not exceed six hundred:

Say 500, at 320 acres, at \$1 50, is	\$240,000
100, at 160 acres, at \$1 50, is	24,000
	\$264,000

2. In consideration of the long tried friendship to the whites, and their fidelity and service to the people of their own nation, to conform to the wishes of the President, and that kindness and justice may be practised towards some of those old and good men whom he has known so long, the commissioners, of their own accord, and without any suggestion, even from any of said persons, do hereby agree that Levi Colbert, George Colbert, Samuel Seeley, senr., William McGilvery, and Tessemingo, shall each be entitled to a reservation of four sections, to be surveyed and bounded by sectional lines, upon it to remain, or, with the approbation of the President, to sell and convey it in fee, and remove. Also, after the same manner, there shall be reserved two sections, as aforesaid, to Captain James Brown, James Colbert, and James McLish.

3. To each of the following persons, to wit, there shall be reserved one section of land, to be surveyed and bounded as before; if disposed to remain.

section of land, to be surveyed and bounded as before; if disposed to remain,* they may reside upon it, and at the end of five years from the ratification of the treaty, having resided upon, and cultivated it, shall receive a grant in fee simple, or, if disposed to remove, may release their claim; and the United States shall pay for the same, in one and two years, one and one-fourth dollars an acre.

4. The President, after the treaty shall be concluded, will use his good offices with the Governor and Legislature to prevent the operation of her laws for two years, giving time for a removal.

ANNUITY.

In fixing this, reference must be had to reservations given, their value, and other stipulations made. The treaty of 1818 gave \$20,000 for fifteen years. That treaty surrendered as large and as fine a country as the present. No land was given in exchange, no reservations were made, and no pay for any removal and support.

J. H. EATON,
JOHN COFFEE.

Which proposition having been submitted to the delegation in council for their consideration, on the next day, (30th August,) they communicated to the commissioners the following written reply:

August 30, 1830.

BROTHERS: We have considered over your propositions.

The reservations.—We wish to add Isaac Alberson in the two sections reservation, and two in the section reservation.

ANNUITIES.

\$25,000 for twenty years. We think this would not be unfair. The country we now occupy is surrounded with navigable streams, good range for our stocks, &c.

Two blacksmiths for twenty years, wheel and mill-wright.

We hope you will not think us ungrateful, for we love the country of our nativity. Should we find a country west of the Mississippi equal in soil, we think that those advantages which surround our country, we shall not find in the new one. General Coffee well knows the situation of our country. Also, one section to be added to our beloved friend Levi Colbert.

On the same day, the commissioners, in answer to the foregoing, communicated through the agent the following proposal:

BROTHERS: We have received your talk of to-day. To some parts we consent, to others we cannot agree.

1. We agree to comply with your request as to one blacksmith: being well supplied with implements of husbandry, one will be sufficient. One is all that you have heretofore had.

2. We will agree to furnish you a mill-wright to fix your grist and saw-mills for five years, until your mills can be built.

3. We will take pleasure in acceding to your request that the beloved chief and friend of your nation, Levi Colbert, shall have an additional section of land.

* The names not to exceed sixteen, and to be such whose claims and merits entitle them to receive it.

4. We agree that Isaac Alberson shall have two sections; and two more may be added to the number 16. But, to an increase of the annuity, we cannot agree. We thought the offer made you was too great; but, desirous to be liberal and candid, we determined at once to tell you how far we could go, and to go to the extent that we believed the Senate would approve. Farther we cannot, through a well-founded apprehension that the Senate would not agree: we have already gone as far, or farther, than the President had expected. Looking to what we have offered, you cannot say that we have not acted openly and liberally.

Your friends and brothers,

J. H. EATON,
JNO. COFFEE.

On the same day the commissioners met the delegation in council, and having been informed that their last propositions in relation to reservations were acceded to, they read and explained to them the following further propositions:

Annuities of \$15,000 for twenty years, to commence after the removal is made; but to cease, if the Chickasaw nation at any time become enemies of the United States.

For erecting a council-house and two churches; which also may be used for the purposes of schools, \$4,000.

And \$2,000 a year, for ten years, for common schools, and the support of teachers, under such direction as the Secretary of War from time to time shall make—\$2,000.

To educate for twenty years twenty Chickasaw children within the States, under the direction of the Secretary of War—\$40,000.

Removal, and all expenses for one year of meat and bread stuffs, to be paid.

In lieu of those articles of farming which cannot be removed, a suitable supply of those articles for one year.

Stock, except horses, to be taken at valuation of one or more commissioners.

Wheels and cards to be furnished to each family, and a loom to each six families.

To each of the foregoing several propositions the delegation assented to, and agreed to sign a treaty embracing those terms and stipulations.

August 31st.—On this day, at 8 o'clock, A. M., the commissioners met the Chickasaw delegation in council, and presented, for their approval and execution, the draft of a treaty; which, having been read and carefully interpreted and explained by Mr. Benjamin Love, who throughout the whole negotiation had acted the part of an interpreter, the delegates observed that, so far as the provisions of the treaty would extend, they approved, and were willing to sign it; but that there were some matters not comprised in it for which they wished to provide by treaty. The commissioners informed them that the President was about to take his departure for Washington, and that it was desirable he should be informed of the result of their deliberations before he did so; and therefore requested that the treaty, as then framed, might be signed, stating that any other matters for which they might wish to provide should be comprised in articles supplementary to the treaty then presented them. With this understanding the treaty was signed.

On the next day, September 1st, the commissioners again met the Chickasaw delegation in council, when the four first articles of a supplemental treaty, which had been previously discussed, were agreed to, and concluded to be signed.

The following from R. P. Currin, received the preceding evening; was then read and interpreted to the Indians:

“31st August, 4 o'clock P. M., 1830.

“Major Lewis and myself have been at an expense of three thousand dollars to find salt on the Chickasaw reserve. We have failed to find water, after repeated trials. We offer to pay the nation before they shall remove, in the fall of 1832, two thousand dollars, and to execute a note to them for that amount, with good security.

“R. P. CURRIN

“Hon. J. H. EATON and Gen. COFFEE, *Commissioners, &c.*”

Levi Colbert, one of the trustees, remarked, (James Brown, the other, being also present,) that he and Mr. Currin had conversed upon the subject of the lease. That after the treaty of October, 1818, he and James Brown, as trustees, had given a lease, as stated, to Major William B. Lewis; but he had understood he had made no salt. He was informed by the commissioners, now that the nation had ceded all their lands, and were about to remove to a new country, it would be preferable to make some arrangement satisfactory to them, by which to have all their business closed. He answered that such was their desire; that they had talked the matter over, and were willing to take two thousand dollars in full, and at the time proposed, except that they wished five hundred dollars then to be paid; and inquired whether Messrs. Currin and Lewis would do this? Mr. Currin, being sent for, agreed that he would do so. Whereupon, an agreement was made out by the secretary, to be signed by the parties; and which, being signed, was made the fifth article of the supplemental treaty.

And, thereupon, the council broke up.

PRESTON HAY, *Secretary.*

JNO. H. EATON,
JNO. COFFEE.

Choctaw Treaty, September 15, 1830.

DANCING RABBIT CREEK, *Wednesday, Sept. 15, 1830.*

John H. Eaton and John Coffee, commissioners to treat with the Choctaw nation of Indians, this day arrived at Dancing Rabbit creek. At the agency, to-day, they instructed the agent to address a note to the commissioners, suggesting it to be improper, and requesting that they would not attend at the treaty-ground, which was done by the agent accordingly.

Thursday, September 16.

The commissioners issued the following general regulation for the distribution of rations:

The contractors will have deposited with them the number of each captain's company; the district in which he lives; the women and children must also be stated, and from day to day be corrected, as additional persons may come in. The ration will be as follows: One and a half pounds of beef, until further orders, be given; one pint of corn and one quart of salt to

the one hundred rations. The quantity issued to any one captain may be delivered together, in one or two pieces, by them to be arranged and divided. The agent will cause the rations to be faithfully delivered, and to report any just cause of complaint that may arise.

JOHN H. EATON,
JOHN COFFEE.

Friday, September 17.

A correspondence, as follows, took place between the commissioners and the missionaries attending at the treaty ground:

TREATY-GROUND, CHOCTAW NATION, *September 17, 1830.*

GENTLEMEN: The undersigned missionaries, under the patronage of the A. B. C. F. M., respectfully request the privilege of being present at the encampment during the pending negotiation for a treaty with the Choctaw nation.

Many of the people, for whose good we, in connexion with the Government of the United States, have, for a number of years, been laboring, have assembled at this place, and have requested that we should be with them, that they may enjoy the advantages of religious instruction on the Sabbath, and at such other intervals as circumstances may present.

It has also occurred to us that questions may arise affecting the interests of the mission under our board, and which would render it proper and necessary that one or more of their missionaries should be present.

We should not have thought of troubling you with this note, had it not been suggested to us from a quarter entitled to our respectful attention, that it would not be desirable for us to be present; but as we can perceive no reasonable objection, the above request is respectfully submitted by

Your obedients,

CYRUS KINGSBURY.
CYRUS BYINGTON.
LOVING S. WILLIAMS.
COLVIN CUSHMAN.

To the Hon. JOHN H. EATON, *Sec'y of War*, and } *Com'rs of the U. States.*
General JOHN COFFEE,

P. S. We are aware that public rumor may have produced the impression that we, if on the ground, would interfere with the particular object of the present meeting; we do hereby assure you, gentlemen, that we shall studiously avoid any such interference. Should any questions arise affecting either ourselves or the interests of our mission, it is hoped we may have the privilege of having the subject considered by the Secretary of War and the Commissioner of the United States, if it should be thought of sufficient importance.

TREATY-GROUND, *September 18, 1830.*

GENTLEMEN: Late last evening we received your letter of yesterday, requesting "the privilege of being present at the encampment during the pending negotiation for a treaty with the Choctaw nation.

We cannot but consider the application a strange one, inasmuch as two days ago a letter was addressed to Mr. Byington, politely requesting that none of the missionaries should attend at the treaty-ground. This information he was requested to communicate to others, and no doubt did. It was twenty-four miles from this place, and near to his residence, that this communication was addressed. With all this knowledge, your letter is now presented, asking leave to do what you have been before requested not to do. Again, soon as Mr. Tolly, another missionary, was known to be here, for reasons of supposed correct policy, he was requested to retire. His answer was, that he could not. These circumstances combined, show a determination, on the part of the missionaries, to be present, and to mingle in the councils here at all hazards, regardless of our requests or instructions.

Treaties with Indians are carried on at great expense to the Government. The Indians, and none others, are invited, who may come or not, as they please. No man, without the consent of the representatives of the Government, has a right to be present at the treaty-ground. For the time being, the place, and all its privileges, are their's, and the privilege of none else, without consent. Such has been the uniform and acknowledged practice at all treaties held with Indians.

Much as we commend the laudable and praiseworthy occasion in which you are engaged, the improving and civilizing the Indians, and teaching them the necessity of true and evangelic repentance and forgiveness, we cannot reason ourselves to the belief that the present is a proper time, place, or occasion, for such undertakings. The whole population of the Choctaw nation does not half equal any one of our well settled counties. Two years you have been with them, and afforded repeated opportunities to preach to, and to instruct them. The few days assigned for our object, which we believe to be of higher importance than any act of a temporal kind that ever has occupied their attention, surely cannot impede the benevolent march of mind and morals that lies before you. Your religious exercises may interfere, will interfere. At any rate, time will be consumed, and large increased expenses will be the consequence. The civilized man cannot serve two masters. The untutored savage still less can do so. He should have his mind altogether free and easy at such a moment as the present, and fully to be applied to the whole subject-matter that is before him. We approach the subject with distrust, resolved only upon one thing, that we will act candidly, fairly, and liberally, towards the Indians, and save them from the ruin which is anticipated to invade them.

We beg leave to say your request, reasonable as it may appear to you, cannot be acceded to. The reasons which are offered by you are insufficient. It is a great public matter, and an expensive one, in which we are engaged. Every practised diversion tends to delay us in the completion of our business. If you have any thing of missionary business, which is considered material to be attended to, a written communication from you shall receive our attention if found to be consistent with a discharge of the public trust that is confided to us. Your presence, far as we are concerned, will not make your application either better or worse. We shall adopt nothing into the treaty, if made, that we may not consider right and proper: we must therefore decline consenting to the request you make, and ask leave to express a wish that you will retire from the treaty-ground, and from the neighborhood of it. We repeat the same wish to Dr. Tolly, and

ask the favor of you to make it known to him. We solicit an immediate answer, whether or not you will comply with this request?

We have the honor to be,

Very respectfully,

JOHN H. EATON,
J. COFFEE.

Rev. C. KINGSBURY, &c., &c.

CAMP GROUND, *September 18, 1830.*

GENTLEMEN: We have just received your communication of this morning, and regret that our request of yesterday should have been considered "a strange one." We also regret that the impression should have been made that there was "a determination on the part of the missionaries to be present;" we assure you there was no such determination on our part.

As we are constrained to believe that our motives in coming to this place are not understood, we beg leave again respectfully to state that, as it respects any influence which we could, if disposed, exert, as to the result of the present negotiations, we should have had no motive to have left our homes on this occasion. We did think the request of the members of our church, that they might enjoy the privilege of religious instruction on the Sabbath a reasonable one, and that the commissioners, when they come to understand it, would not deny them this privilege. We did not suppose that this could, in the least, retard the business of the present meeting, or create the least possible expense.

Another reason for our being present on the occasion, and we believed would be deemed a valid one, was, that we, as the agents of the Choctaws, and of the American Board of Commissioners for Foreign Missions, have disbursed a large amount of money in the school and missionary operations in this nation, and have now under our charge large and expensive establishments in different parts of it. We supposed it would not be considered improper for one or more persons, representing these interests, to be present on this occasion. At the treaty at Doak's stand in 1820, the superintendent of this mission was present, and received the most respectful treatment from the commissioners, and especially from the present Chief Magistrate of the United States.

It has been reported again and again to the Choctaws that no great men in the United States are religious, and that they are not in favor of the Choctaws becoming religious: if, while men of every other grade and color are permitted to be present, the missionaries alone are prohibited, we think it would tend greatly to confirm the above report. We cannot believe that the honorable the Secretary of War, and the Commissioner of the United States, now present, would willingly do any thing to confirm such an impression. It is doubtless known to the honorable the Secretary of War, and the Commissioner of the United States, that there are various reports in circulation among a portion of this nation, as well as among white people, prejudicial to the missionary character, representing us as speculators, &c. We did hope that the present would furnish us with a convenient and suitable opportunity of presenting correct and full information on this subject, and would result in such explanations and arrangements as the case might require. And we repeat the assurance, that the above were the motives, and the only motives, which brought us to this place.

With this explanation of our views, we comply with the injunction contained in your communication, and prepare to leave the ground immediately, unless we receive intimations to the contrary.

We have the honor to be, with respect,

Your obedient servants,

C. KINGSBURY.

CYRUS BYINGTON.

LOVING S. WILLIAMS.

COLVIN CUSHMAN.

To the Hon. J. H. EATON, *Sec'y of War, and* } *Comm'rs of the U.*
General JOHN COFFEE, } *States.*

P. S. Dr. Tolly has received the information you requested to be given him.

September 18, 1830.

GENTLEMEN: We have received your joint letter. Business with the council prevented a reply until now. We cannot request your stay. We prefer that you should go away; and, in saying this, we intend nothing of disrespect to you, and most certainly nothing to the cause of religion. Our reason we have already offered—it is, that your labors here, under all the circumstances which are presented, cannot be profitably employed: of this you must yourselves be satisfied. A more unpropitious moment, and a place less promotive of religious results, could scarcely be dreamed of. Your absence may aid civil purposes greatly. Your presence cannot, we are persuaded, advance the cause of religion in the least. We must therefore insist upon it that you, and every other person engaged here in missionary purposes, leave the treaty ground; and, in saying this, we again beg to state that nothing disrespectful or unkind to any of you is intended. We request this to be received as our final answer on the subject.

J. H. EATON,

J. COFFEE.

Saturday, 18th September.

On this day, at 11 o'clock, the commissioners met the chiefs, captains, and warriors, in council, at the council-house; and thereupon delivered, and caused to be interpreted by John Pitchlyn, United States' interpreter, the following talk:

TREATY-GROUND, DANCING RABBIT CREEK, *September 18, 1830.*

FRIENDS AND BROTHERS: While it affords us great pleasure to meet you, it is with deep regret we learn that differences and disturbances prevail amongst you. These should not be: the tendency of them, if not corrected, must be to mar your happiness, and eventually to destroy you. All jealousies and strife amongst you ought to cease, and your rule of government established, that those quietly shall rule the country who are the choice of a majority of the people. That is our rule, and that we recommend to you. No one has a right to govern his fellow man by force. If any one attempt thus to act, he proves himself an enemy to liberty and to principle.

Brothers: We offer this as matter of advice, merely; for we come not to

interfere in any of your home affairs, but rather to persuade you to be at peace one with another; and to live as brothers should, that your nation may be tranquil and your people happy. Act differently, and you cannot fail soon to be rendered miserable, and to become degraded. Every man should be left free to determine who shall be his rulers. Attempt not, by violence and force, to influence his opinions and his choice, but leave him to his judgment, and to his freedom of action. Reason and persuasion are rightful resorts to induce men to think and act; but compulsion, never. Rulers, whom a majority of the people prefer and chose, ought to govern to the extent the laws authorize, but no further. Be this principle regarded, and peace, and quiet, and good order, cannot fail to be the consequence to any people who are not absolutely depraved and vicious. Brothers, you have missionaries amongst you, pious and qualified men we hope and believe. Fail not to attend on, and regard their admonitions while they seek to instruct the minds of your children, and to point you to the paths of moral duty and religion; but the moment they attempt an interference with your general government relations, reject their counsels. These are subjects with which they have no right to meddle, and, indeed, should not interfere. They are matters which belong to the government, the chiefs, and the people; not the missionaries, who are placed amongst you for higher and nobler purposes; for christian, not political ends. It is the peculiar duty of the chiefs, for they are responsible to their people, carefully to watch over the affairs of the nation, not those who have no responsibility, nor interest whatever. Through error of their advice they may lead you on to a state of political wretchedness; of which, though they might hereafter repent, it will never, never be in their power to repair.

Brothers: we have come a considerable distance to meet you, under the direction of your great father. He had invited you to meet and shake hands with him in Tennessee, that, as a friend and father, he might speak with you. He was informed at Washington City that you desired it. Arriving at home, he sent Major Donley to you with news of his wishes, of his desire to converse with you on matters of deep and lasting interest to your nation. You refused to come, and returned for answer that you could not. Well might your great father then have said, "I will no more try to preserve you, but leave you to live as you can under the laws of the States." When thus he was about to determine to leave you, and no more persuade you to a course of happiness, a messenger reached him, bearing from two of the three districts of your nation, a memorial, entreating that commissioners might be sent. Anxious still for those who had fought by his side in behalf of his country, he determined to yield that request, and to send those who would speak his wishes freely and candidly, and thereby prove the desire he entertained to preserve you, notwithstanding his previous friendly offers had been rejected.

Brothers: by direction of your great father, we have come amongst you. It is not your lands, but your happiness that we seek to obtain. Much delay, and much talk about a matter which all of you will understand, is needless. We have not time to be tedious: one of us, the Secretary of War, must very shortly return to Washington City. Here he cannot longer remain, nor is it proper or necessary that he should. You all know the important matters that are to be considered and settled, and can readily decide upon the course you intend to take. Speedily answer them, and say what you will do. Are you willing to remain here and live as white men? Are you will-

ing to be sued in courts, there to be tried and punished for any offence you may commit? to be subjected to taxes, to work upon roads and attend in musters?—for all these you must do. If under this state of things it is believed you can be contented and happy, then dwell upon the land where you live. But if you are satisfied, that under such a condition of things you cannot be happy, consent to remove beyond the Mississippi, where you will be away from the white people, and from their laws, and be able to live under your own. You are called upon to say whether or not you will remove, for, if this be your determination, then let us be done with the subject and disperse to our homes. On the other hand, if you shall choose to remove, so declare, that at once we may proceed to some definite understanding, and arrange a treaty. This we are willing to do, and upon terms that shall be liberal. We seek no advantages, we will take none. Your great father would not approve such a course. He has sent us not as traders, but as friends and brothers, and to act as such. We will thus act be assured: we come not to practise imposition upon our Choctaw friends, but to extend to them justice. This we will do.

Brothers: hesitate not, determine what you mean to do on this important occasion; record the votes of your head-men, and let us know who amongst you are willing to remove and who are opposed. The sense of the nation will thus be correctly ascertained, and the question which has so much agitated you be finally put to rest: say it is your determination to remain, and the subject is done with—we shall then trouble you with our talks no more. But decide to remove, and liberal provisions will be made to carry you to a country where you can be happy, and where already your fathers and brothers have gone in peace to reside. It is a desirable region, double in extent to the one you occupy, and large and fertile enough for twice or three times the number of people you have. There your great father can be your friend; there he can keep the white man's laws from interrupting and disturbing you; and there, too, he will guard you against all enemies, whether they be white or red. There no State or Territory will be created, and he will have it in his power to protect you fully in your usages, laws, and customs. Here he cannot do these things, because neither he nor Congress possess authority to prevent the States from extending their jurisdiction over you, and throughout their limits.

Brothers: In the country to which you go, west, the United States will protect you from enemies. Their object will be to preserve you at peace with yourselves, and with all mankind—to perpetuate you as a nation, and to render you a happy and prosperous people. Here you cannot be so: it is idle to indulge such dreams of your fancy—dreams which are entirely deceptive, and from which nothing of pleasing reality can ever come. Every day's observation shows wretchedness and distress will be yours to remain where you are. The kind and friendly feeling of your great father will be insufficient to preserve you from these inevitable results.

Brothers: A portion of your nation, sensible of these things, and anxious, by removing, to get rid of them, sent a treaty, during last winter, to their great father, but it was such a one as he could not agree to. He laid it, however, before his great council, the Senate, for consideration, and they, too, refused to ratify it. It asked more than could be granted, and introduced principles which could not be recognized. Your great father, while he is willing to be kind and generous and even liberal to his Choctaw

children, cannot concede to them terms which would be considered exorbitant. The Senate would not consent.

Brothers: In 1820, by a treaty made with you at Doak's stand by your present great father, an extensive and fine country was given to you for the use of your people. It was a gift to you; for the country you ceded to the United States was paid for fully. It was the understanding at the time that the Choctaws would remove; and on that account was it that a large, saleable, and fertile country was provided for you nation and your people. Ten years have passed by, and you are still here. The country intended for you yet remains wild and unsettled.

Brothers: A fertile country beyond the Mississippi, and another possessed here, is more than you should expect. If you will not remove other Indian tribes may desire to do so; and, where they shall select to settle, a home must be furnished: others wanting it, the country should not remain a desert. You must decide which you will take, and which you will live upon: both countries you cannot possess—it is unreasonable to expect it. If you prefer to live under our laws and customs, remain and do so, and surrender the lands assigned to you west of the Mississippi, or otherwise remove to them. There your great father can protect you; and there, undisturbed and uninterrupted by the whites, you can enjoy yourselves and be happy, now, and for years to come. Rest assured you cannot be so here. But if you think differently, then continue where you are. After the present time we shall no more offer to treat with you. You have commissioners in your country for the last time. Hereafter you will be left to yourselves, and to the laws of the States within which you reside; and, when weary of them, your nation must remove as it can, and at its own expense. Whatever you may determine upon, whether to remove or to remain, our earnest and sincere wishes are that you may be happy and contented. For you we have the best feelings: our complexions are different, but our hearts and our nature are the same. The Great Spirit above is our common father: he has made us all, and we are all his.

Your friends and your brothers,

J. H. EATON,
JNO. COFFEE.

To the *Mingoes, Chiefs, Captains, and Warriors, of the Choctaw Nation.*

Monday, 20th September.—The commissioners were notified of the readiness of the Indians to meet them in council. At eleven o'clock they attended. A dispute arose between the chief Leflore, and some of the captains, upon the subject of referring all matters first to a committee of twenty persons to be selected from each district. Leflore insisted that, having most men present, and within the bounds of his district, he should have the largest number on the committee. A quarrel was likely to ensue, when the Secretary of War addressed them: urged the necessity of their preserving peace and harmony at so important a crisis, and painted the necessity, if they would preserve the nation, of acting cordially together, and throwing aside all their differences and strifes, and, as brothers, to consult and act together. The council broke up. In the afternoon the respective chiefs and warriors met, and agreed to be reconciled, and to take the talk, and the business that had brought them together, into serious consideration.

Tuesday, 21.—The commissioners were desired by the chiefs to submit the terms they intended to offer, that they, their captains and warriors, might understand the matters to be acted upon, fully. Whereupon, the

commissioners consented that they would offer them terms such as, they hoped, would be considered liberal. That the next day, at ten o'clock, they would meet the chiefs, captains, and warriors, and speak to them freely as to the terms they would propose.

Wednesday, 22. The commissioners met the council at ten o'clock, the chiefs and their captains present, except Netuchache, who was reported to be sick from the bite of a spider. Order and silence being had, the commissioners proposed, for their consideration and approval, the outlines of the treaty they were willing to enter into. It is as follows:

The following terms are offered as the basis of a treaty with the Choctaw People.

Land reservations to be assessed at the price at which the United States shall sell their choice and best lands, to wit:

Four sections to each chief, is

Two sections to D. Folsom,

Two sections to R. Cole,

Two sections to J. Pitchlyn,

Two sections to J. Juzan,

One section to Makay,

One section, each, to 39 captains, 13 to each district—39.

Half section to 90 captains and principal men, 45—30 in each district.

Reservations of sections or acres.

Reservations to others who may probably not remove, say 150 persons, at 640 acres, is 96,000 acres.

Annuity, 25,000, for 20 years—\$500,000.

Removal and support of Indians for one year—

Education of 40 Choctaw boys by the Secretary of War, under the direction of the President, 20 years.

Cattle, purchase of.

Council-house for the nation at the agency, \$3,000.

Three churches, one in each district, to be used for schools, \$3,000.

House for each chief at \$3,000.

Teachers and preachers for the nation for 20 years, \$50,000.

One thousand guns, and ammunition.

One thousand blankets, and kettles.

One thousand axes, ploughs, and hoes.

One thousand wheels and cards, and 400 looms.

Three blacksmiths, one to each district, for 16 years, \$40,000.

One millwright, for five years.

Suit of clothes to 100 captains, and swords, as outfit.

Pay of captains for four years, at \$50, \$20,000.

Pay of each chief for 20 years, \$20,000.

Compensation to those who have no reservations for improvements, \$50,000.

The chief, Leadstone, inquired if the present treaty was to be considered as retaining former treaties and their provisions, or as repealing all former treaties, and the present one only to be relied on? The answer was, that it was desirable fully to embrace every thing; that the present might be considered the only treaty that was to be looked to; that, excepting former an-

nuities, all previous treaties were to be considered as revoked and set aside. The council then separated.

Thursday, 23. This morning the commissioners were informed that the Indian Committee, appointed to consider the terms proposed, were about to reject them, and refuse to treat. That it was represented to them there was but one spring, and only one, in the country west of the Mississippi; and that the laws of a State had already been extended over the Cherokees who had removed there.

The commissioners returned for answer that the representations were wholly incorrect; that there was no State near to where the Cherokees lived, or within many miles of them, or the country owned by the Choc-taws; that the information was by evil-minded persons, intended to deceive and to prejudice their minds, and requested that they would meet to receive their explanations. The answer was, that at 12 o'clock they would again meet in council, and desired the presence of the commissioners.

12 o'clock.—The commissioners attended at the council-house, and received, through the chairman of the committee, Peter Pitchlyn, their determination and report. They stated their great surprise at being informed their great father had understood they were in distress and dissatisfied, and were surprised at being informed they could not retain the lands which by the treaty of 1820 had been secured to them; that they had concluded not to treat for a sale of their lands. The report being received, the Secretary of War rose and made an address to them verbally before the council; told them of their situation and condition, and of the impossibility, on the part of their great father, to prevent the operation of the laws over them. That they had been badly advised, and were putting reliance in persons who, while they professed to be their friends, would be sure to forget them in the hour of difficulty and trial. Their object, he well knew, was to claim the best bargain they could, and the commissioners were prepared to give them one, in all respects liberal, to the extent that they could hope the Senate of the United States would ratify. The Government intended this as the last treaty ever to be held with them, and it certainly was the last time that commissioners would ever appear in their nation to talk with them on this subject. They had come as friends, and at their own request, to protect them from injury, not to cavil with them about prices. As for their lands the Government cared nothing, for they had enough. Their object was merely the possession of the country, without regard to any thing of value or profit to be obtained from the sale of them. He called their attention to a printed letter to the War Department from two of the three of their districts, and which two of their principal chiefs had signed, in which they had said most feelingly that they were distressed, and could not possibly live under the laws of the State, and begged that commissioners might be sent to their nation to conclude a treaty. For them now to state differently showed their insincerity and deception. That hereafter their complaints would not be regarded because they could not be confided in. The Secretary of War requested them to understand that their removal was to be a matter for their own reflection and judgment: unless they really believed, in consenting to emigrate, their happiness could be promoted, he begged them not to think of removing; that they must go freely, and of their own accord, or not at all. They had to-day declared that they were unwilling to remove. He supposed they had arrived at the conclusion that they could remain where they were, and live under the laws of Mississippi, and of course the commission-

ers had nothing more to say or to advise. They would now take their leave and go home. It was matter of regret, he said, that their judgment had erred so much in the decision they had made. Throughout, the language of all of them had been that they could not live under the white man's laws. If such was not their deliberate opinion, why had they avowed it, and why did they solicit the President to send commissioners to treat with them when they could not but know it was attended with great expense? He said he well knew that many of them could live any where where he could; their education and intelligence authorized him to say and believe so; but the common uninstructed Indian could not. For them to live under laws which they could neither read nor be made to understand, was expecting too much. And what are they to do under the decision just pronounced? Will they resist the laws? The sheriff must enforce them. Will they oppose him with their guns and tomahawks? While the Choctaws could raise one warrior to resist, there would be found one hundred or one thousand to one to oppose that resistance, and to enforce the law. These are things which seriously they should have considered before their decision was pronounced. The commissioners, he said, had nothing further to remark, but to take leave of them and go home, and accordingly they retired from the council.

Shortly afterwards they were waited upon by several persons of the committee, with a request that they would not leave the treaty-ground; that they had considered of the remarks which had been made to them, and had no doubt, if the commissioners would remain a few days longer, that a treaty could be made. To this the commissioners assented.

Saturday, 25th, 9 o'clock.—The committee on the part of the Indians, handed in a plan, presenting the grounds on which they were willing to treat. It contained various objectionable features; and, amongst others, a proposition to create a perpetual stock of \$500,000 at an interest of 5 per cent., but redeemable at the pleasure of the Choctaw nation after twenty years. The commissioners returned for answer that the terms offered had been fully considered, and that some of them were inadmissible; but that, at 11 o'clock, they would meet the chiefs and warriors in council, and state to them there what they were willing and disposed to do.

11 o'clock.—The council met: present, the commissioners, the three chiefs, captains and warriors of the nation; when the following terms were proposed and interpreted.

Choctaw proposals for the basis of a treaty in lieu of those heretofore proposed.

They are offered from a full consideration of all the circumstances, and from a desire that ample and entire justice and liberality may be extended to your Choctaw brothers. If approved, a treaty to be drawn out in form; removal to take place within two, or two and a half years from the ratification of the treaty, and the treaty to be binding from the date of ratification upon the following terms:

Lands reserved, and the value at the lowest Government price only.

4 sections to each of the three chiefs, two to include improvements, is	-	-	-	-	-	12 sections.
4 sections to Col. D. Folsom, two to include improvements, is	-	-	-	-	-	4
2 to R. Cole and 2 to J. Garland, former chiefs	-	-	-	-	-	4

2 to the speakers of each district	-	-	-	6
2 to J. Pitchlyn, and 2 to J. Juzan	-	-	-	4

 30 sections.

1 section to 13 captains, with others to be named and to be placed in a supplemental treaty	-	-	-	50 sections.
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And that others not provided for above, and who will remove, may be provided for, there shall be reserved three quarters of a section to each head of a family, who during the present year may have had in actual cultivation a farm of thirty acres, and a dwelling-house thereon; said reservation to be bounded by quarter section lines contiguous and adjoining, and to contain the part of the improvement on which the dwelling may be situated; and which, with the consent of the President of the United States, the owner may sell—the number not to exceed five hundred persons; and to those who may have had in cultivation as aforesaid a farm of twenty, and less than thirty acres, a reservation of two quarter sections to be bounded by quarter section lines, and to be contiguous and adjoining, and to include the dwelling, and subject to the condition of the preceding class of cases—the number not to exceed four hundred persons. And to those who may have had in cultivation as aforesaid a farm of twelve acres, and not more than twenty acres, a reservation as aforesaid, under the conditions and restrictions aforesaid, one quarter of a section of land—the number not to exceed four hundred and fifty persons.

And to those who may have cultivated as aforesaid a farm of four acres, and less than twelve acres, a reservation under the restrictions and conditions aforesaid of one-eighth of a section—the number not to exceed three hundred and fifty persons.

And any captain, the number of whom shall not exceed ninety, who shall fail to obtain under any of the provisions less than a section, he shall in that event be entitled to half a section additional, to adjoin his other reservation. In making sale of any part of it, he shall be subjected to the conditions before stated. Children of Choctaw parents residing in the nation, a list and proof of which shall be filed with the agent within six months after the ratification of this treaty, who have neither father nor mother, shall be entitled to a quarter section of land, to be located under the direction of the President.

Also, such persons wishing to become citizens, and who are heads of families, shall be entitled for himself or herself to a section of land; and having lived upon, and cultivated the same for six years after the ratification of this treaty, shall receive a grant in fee: the location shall be bounded by sectional lines, and include his or her dwelling.

Likewise, for each unmarried child residing with him or her, on notice and a request made with the agent in six months from the ratification of such intention, said child shall be entitled, if over ten years of age, to half a section; if less than ten, to a quarter section, to adjoin the parent's location.

Say that only 200 remain, is	-	-	-	200 sections.
That 200 children are over 10 years	-	-	-	100
That 200 do under 10 years	-	-	-	50.

Annuities under former treaties amounting to \$11,200, which would expire in 1836, to be continued.

Present annuity offered was \$25,000. It is, on account of the large reservations, reduced to \$20,000 for twenty years.

Removal, expense of, and support one year.

Education of forty Choctaw boys, twenty years.

Council-house, churches, and houses for chiefs.

Teachers and preachers for twenty years.

1000 guns, and ammunition, blankets and kettles.

1000 axes, hoes and ploughs.

1000 wheels, cards, and four hundred looms.

3 blacksmiths, for sixteen years.

1 millwright for five years.

Suit of clothes, and sword to captains; also four years' pay, at fifty dollars.

Pay of chiefs for twenty years.

Cattle purchase of, at valuation of persons appointed by the Government, and to be delivered at two or more appointed places, to be paid for, or the same amount of cattle furnished across the river, at the election of the President.

The foregoing having been read and explained, the three chiefs and others of the principal men addressed the council, and urged the acceptance of the terms which were offered. The explanations being made, the council broke up.

Sunday 26th.—Some conference at the commissioners' quarters took place this morning between the chiefs and some of the captains and head-men, in which several alterations and additions were made to the terms proposed. They insisted to increase the number of guns and blankets, agreeably to the promise which was made to them in the treaty of Doak's stand, made in 1820.

Monday 27th.—A meeting at the council-house took place to-day. The treaty as drawn up was submitted, interpreted, and explained; and at one o'clock it was signed.

The commissioners informed the council that there were some other minor matters which had partly been agreed on, and which that evening would be arranged, in a supplement form, as part of the treaty just signed, and that to-morrow they would be ready to submit it for their signatures.

Tuesday 28th.—The supplement was submitted and signed as part of the treaty.

The business being all completed, some of the chiefs and head-men represented to the commissioners that it had ever been a custom at their treaties for their people to expect some presents from their great father as evidence of his kindness. The commissioners accordingly informed them that, not knowing that any treaty would be concluded, they had not provided the means of complying with their request; but that such articles as could be procured would be divided amongst their three districts, to be proportioned by the chiefs to the people, in all amounting to dollars.

4 o'clock P. M.—The commissioners took their leave and departed, leaving the Indians peaceable, quiet, and, to all appearances, well pleased and satisfied.

JNO. H. EATON,
JNO. COFFEE.

In presence of

E. BREATHITT, *Sec. to Com.*

LETTERS FROM THE DEPARTMENT TO CHIEFS AND OTHERS.

WAR DEPARTMENT, *January 4, 1831.*

BROTHER: Your great father has examined your letter of the 28th Dec., and has instructed me to say, that it will afford him pleasure to do every thing within his power to contribute to the quiet and happiness of his Quapaw children. He is not at liberty to give you a country to live on. His great council has this power. He will bring the wishes of his red children to their consideration, and he doubts not but that they will authorize him to set apart for you a comfortable home, where you and your people can dwell together.

You have requested that \$900 dollars may be set apart from your annuity for the purposes of education. Your great father approves your wishes to have your children instructed, that they may be rendered useful men, and accordingly grants the request you have made.

As it respects the appointment of a sub-agent and interpreter, they will be considered of, and determined upon in due time, of which you will be advised after your return home.

Your expenses will be paid.

Your friend and brother,

JOHN H. EATON.

ECK-A-TOO, *Quapaw Chief.*

WAR DEPARTMENT,
Office Indian Affairs, January 6, 1831.

FRIENDS AND BROTHERS: I am directed by the Secretary of War to inform you that he declines making any reply to the communication which you recently addressed to the department, on the ground that the inquiries you propose for his consideration have been heretofore answered, in writing, and verbally. Upon the subjects referred to in your communication, he conceives you have already been fully informed.

With great respect, &c.,

SAMUEL S. HAMILTON.

To Messrs. R. TAYLOR, JOHN RIDGE, and W. S. COODY.

WAR DEPARTMENT,
Office Indian Affairs, January 8, 1831.

SIR: Your letter of the 3d ultimo, to the Secretary of War, was duly received. I am directed by the Secretary of War to say to you, in reply, that

however much the department would be gratified at the Indians' appropriating a portion of their annuities to the education of their children, it does not wish them to do so without their free and entire consent; and that, as there appears to be considerable unwillingness on the part of the Winnebagoes to make such an appropriation of a part of their funds, you will not urge them further upon the subject. You will therefore not take any further steps for the present, under the letter to you of the 13th April last.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To Gen. J. M. STREET, *Indian Agent, &c.*

WAR DEPARTMENT,

Office Indian Affairs, January 10, 1831.

FRIENDS AND BROTHERS: In reply to your application to receive a portion of your annuity at this place, the Secretary of War has directed me to say that there is no information in the department which shows that you are at the Seat of Government under any authority confided to you by the Cherokee nation, or that you are clothed with power to receive and give acquittances for claims asserted on the part of your nation; and that, until satisfactory evidence of such authority be filed in the department, the request you have made cannot be brought to the consideration of the President.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Messrs. R. TAYLOR,
J. RIDGE, and } *Cherokee Delegation.*
W. S. COODY, }

WAR DEPARTMENT,

Office Indian Affairs, January 12, 1831.

SIR: Your letter of the 4th instant to the Secretary of War, making inquiry relative to the case of Mrs. Lovely, was duly received. I am directed to transmit to you the enclosed copies of papers, which contain all the information in this office on the subject. There is no appropriation to pay Mrs. Lovely for her improvement; and, until one is made for that purpose, she cannot be paid by the department.

I have, &c., &c.,

SAMUEL S. HAMILTON.

To the Hon. A. H. SEVIER,
House of Representatives United States.

WAR DEPARTMENT,

Office Indian Affairs, January 14, 1831

FRIENDS AND BROTHERS: In regard to your request for the payment to you of a portion of the annuity due to the Cherokee nation, I am directed

to enclose for your information a copy of the order of the 18th June last, and to state that the President is not disposed, without sufficient reason (and there is no information that any such at present exists) to change the mode of payment directed by that order. Your request, of course, cannot be complied with. You are already apprized that the order referred to is not applicable to the annuities of your nation exclusively, but to those of all other tribes entitled to them.

Respectfully, &c.,

SAMUEL S. HAMILTON.

To Messrs. R. TAYLOR,
J. RIDGE, and } *Cherokee Delegation.*
W. S. COODY, }

WAR DEPARTMENT, *January 17, 1831.*

SIR: I send you the enclosed map, which has been carefully prepared in reference to the various treaties which, at different times, have been concluded with the Indians. To preserve quiet amongst them, it is important that each tribe should know the precise boundary of his country. The Government should run their lines, and have them plainly marked.

The Cherokee treaty calls to run north with the Arkansas and Missouri western boundaries, until it crosses the Grand river of the Neosho. Now, where Grand river is situated we have no information, and, until it be ascertained, it is impossible to tell how far west this tribe can claim between the Arkansas river and Canadian fork, along which they are to run to make their complement of seven millions of acres. The entire country of the Cherokees will require to be surveyed. Of the Choctaws only a part need be surveyed, as most of the cession to them has natural boundary. A country also for the Creeks and Chickasaws should be surveyed: neither has been done.

The distances and boundaries to be surveyed cannot be accurately computed; and hence no certain estimate of expense can be made for so remote a service, and in a country where supplies are scarce, and difficult to be had. I would suppose, however, that \$10,000 might answer.

I submit these things for your consideration, believing that your committee will perceive and admit their importance.

Very respectfully, &c.,

JOHN H. EATON.

To the Hon. JOHN BELL,

Ch. Com. Indian Affairs H. R. U. S.

WAR DEPARTMENT,

Office Indian Affairs, January 20, 1831.

SIR: In answer to the inquiries contained in the letter of the honorable Mr. Ruggles, chairman of the Committee of Claims of the Senate, of the 14th instant, enclosing to you the petition and papers of John Nicks, to wit: "Whether David Brearley was Indian agent at the time the enclosed bill was drawn on the Government, and whether he was authorized to make such drafts, &c.?" I have the honor to state, that it appears by the records of

this office David Brearley was duly appointed Indian agent for the emigrating Creeks on the 13th May, 1826, and that he continued in said office until the 10th June, 1829, at which time he was discharged. The only letter addressed to him during that time containing authority to draw bills, is one bearing date 30th August, 1827, and signed by Ch. J. Nourse, then chief clerk in the department, a copy of which is herewith submitted. The records of his office do not furnish any further information applicable to the claim of the petitioner. A copy of the answer to the recent application of General Nicks for payment of the bill in question, furnished from the records of the War Office proper, is also herewith submitted.

The state of Colonel Brearley's accounts, (which it appears furnished the reasons for declining to pay the bill when it was presented in May, 1829,) as ascertained from the Second Auditor's office, exhibited an apparent balance against him at that time of more than \$14,000.

Very respectfully, sir,

Your most obedient servant,

SAMUEL S. HAMILTON.

To the Honorable JOHN H. EATON,
Secretary of War.

WAR DEPARTMENT, *January 24, 1831.*

SIR: The President, in reply to your letter of the 12th inst., directs me to say that the concluded treaties have not yet been ratified by the Senate; and until this be the case, it cannot be determined what course, as to the removal of the Indians, can be adopted. It is most probable though that it will be done through the Commissary General of Subsistence Department, and probably the most economical and safe mode.

Very respectfully,

JOHN H. EATON.

To Mr. FORREST MEEKER,
Delaware, Ohio.

WAR DEPARTMENT,

Office Indian Affairs, January 26, 1831.

SIR: I have the honor, by direction of the Secretary of War, herewith to return the letter of Mr. Nourse which accompanied yours to him of the 20th instant; and to state, in answer to the inquiries therein contained, that, until the decision of the Senate on the Choctaw treaty is known, nothing will be done towards procuring any of the articles for the Indians, for which it stipulates.

Very respectfully, sir, &c.,

SAMUEL S. HAMILTON.

To the Hon. J. DAVIS, *H. R. U. S.*

WAR DEPARTMENT,

Office Indian Affairs, February 4, 1831.

SIR: In answer to the inquiry contained in the letter of the Hon. G. C.

Verplanck, of the Committee of Ways and Means, in relation to the application of the sum disbursed for surveying the Osage, Kansas, and Shawnee boundaries, I have the honor to state, that it appears by the returns of Major Langham, who was appointed in 1826 to run these boundaries, that he was engaged on this duty from the 1st July, 1826, until 31st January, 1829; and that the whole expense attending the surveys amounted to \$16,343 86, being \$5,093 86 more than the sum (\$11,250) appropriated for that object. Of the sum expended, it appears his own pay, at the rate of \$5 a day, (which he was authorized to charge by his instructions,) for the period above mentioned, amounted to \$4,505; and that the balance is for the expense of employing the necessary assistants, laborers, horses, and for provisions and other articles required for the convenience and comfort of himself and party while on the surveys. The accounts and vouchers of Major Langham are filed in the Second Auditor's, and a copy of them could be furnished, if time permitted.

It is proper to observe, that it is highly probable, when the account is finally adjusted, so great an amount as that, which it appears from the face of it has been expended over and above the former appropriation for this object, may not be required; but, until this is done, it is impossible to state the exact amount that will be required. The whole amount of the excess was therefore asked for: no more, however, will be applied than may be necessary to close the account, which is delayed to afford Major Langham an opportunity of setting aside the objections, if he can, by explanation, to the charges in the account which have been suspended in the settlement, so far as it has been made, by the accounting officers of the Treasury. If an appropriation be now made, the account can be closed as soon as Major Langham is heard from; but it is not known that any material inconvenience will arise if the appropriation should be deferred until the amount actually required for that purpose is ascertained and reported by the accounting officers.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To the Hon. JOHN H. EATON,
Secretary of War.

WAR DEPARTMENT,
Office Indian Affairs, February 4, 1831.

FRIENDS AND BROTHERS: Your letter of the 1st instant, requesting that the claims of certain Indians of the Creek nation for payment for property which they allege they have lost by the illegal conduct of citizens of the United States may be decided on, and, if not allowed, that you may be early informed thereof, that application may be made to Congress, has been received.

I am directed by the Secretary of War to say, in reply, that the proceedings had upon these claims are not of a character to authorize their admission, agreeably to the provisions of the act of 1802; and that, even if this were the case, it would still be necessary for them to be brought to the consideration of Congress, that the necessary provision for their payments might be

made. The department cannot allow them: they are accordingly sent to you, agreeably to your request, to be disposed of as you propose.

I am, your friend and brother,

SAMUEL S. HAMILTON.

To TUCKEE-BACHEE-HAJO and
OCH-TE-ACHEE-EMATHLA.

DEPARTMENT OF WAR,

February 5, 1831.

SIR: The enclosed report to me from the Indian Bureau contains the answer to the inquiry made in your letter received on the 3d instant, relative to the application of the sum disbursed for surveying the Osage, Kansas, and Shawnee boundaries.

Very respectfully,

JOHN H. EATON.

To the Hon. G. C. VERPLANCK,

Of the Com. of Ways and Means, Ho. of Reps. U. S.

DEPARTMENT OF WAR,

Office Indian Affairs, February 7, 1831.

SIR: I have submitted the communication of the Creek deputation, of the 1st instant, to the Secretary of War, and he has directed me to state for the information of the deputation that his official engagements are such as to prevent him from examining into, and answering at present, the several inquiries submitted by them for his consideration.

I am, &c., &c.,

SAM'L S. HAMILTON.

To JOHN H. BRODNAX, Esq.

DEPARTMENT OF WAR,

Office Indian Affairs, March 22, 1831.

SIR: I have received your letter of the 19th instant. I presume the rifles required for the Choctaws under the late treaty with them will be procured by contract; but when, I am at present unable to say. The Secretary of War is still too unwell to attend at the office. When he is able and ready to act upon the subject, your application, with the accompanying recommendations, all of which are filed in this office, will be submitted for his consideration. I do not think your presence here will be necessary. In the event of its being necessary, you will be advised of it.

I am, very respectfully, &c.,

SAMUEL S. HAMILTON.

Mr. GEO. W. TRYON, *Philadelphia.*

DEPARTMENT OF WAR,

Office Indian Affairs, March 26, 1831.

SIR: I am directed by the Secretary of War to instruct you forthwith to

examine minutely and particularly into all claims founded on the certificates which it appears have been issued by the chiefs, or by the Indian agent, for the sums due to Indians, either for improvements, or for the inconvenience and trouble of removing, &c., under the stipulations of the late treaty with the Cherokees of Arkansas, and to draw on the department for the amount of such certificates as may be ascertained to be justly due; the drafts to be made payable *only to the person or persons in whose favor* they may be drawn. You will describe particularly at the foot of the draft, each claim, stating the amount, and on what account it is due. You will also, when a draft is drawn, advise the department thereof, giving similar information in your letter of advice to that required to be given at the foot of the drafts.

As it is not improbable that some forgeries may have been committed in these certificates, the Secretary of War directs that the claimants file with you, before any draft is given for the amount of their claims, bond and security to indemnify the Government against loss should any of the certificates presented by them, and paid by you under this order, eventually prove to be forgeries, and for which it might thereby again become liable.

You will keep a register at the agency of every claim which may be paid by your drafts on the department under this order, stating its nature, character, and amount, and transmit a duplicate thereof to the department for its information.

An appropriation of \$50,000 was made soon after the treaty was ratified, for the payment of the sums due to the Indians on account of the inconvenience and trouble of removing, as stipulated for by the treaty; and an additional appropriation was made at the last session of Congress to pay all outstanding claims for improvements abandoned by the Indians either east or west of the Mississippi. Considerable delay having already taken place in the payment of these claims, which has occasioned no little dissatisfaction, the department is very desirous that they should be settled without further delay. It is therefore important that you give to them your earliest attention.

In a short time instructions will be forwarded to you in regard to the execution of other stipulations of the late treaty.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Captain GEORGE VASHON,

Cherokee Agent west, Contonment Gibson, A. T.

WAR DEPARTMENT, *March 29, 1831.*

SIR: It is important to the Government of the United States, and to the States individually, that the Indians should be prevailed upon to seek a habitation and a home beyond the Mississippi. Experience and observation clearly demonstrate, that, while these red people continue to reside within the limits of the States, collisions must be looked for, and injury to the Indians expected to result. Such a state of things it is desirable to avoid. For the purpose of effecting results so desirable, Congress, in 1830, made liberal and ample provision. Attempts have been made during last year to prevail upon the Indians to the south to avail themselves of the terms proposed. They were accepted by two of the tribes, and refused by the other two. It is not necessary therefore again to suggest to them terms

which have already been rejected, but rather leave them to their own calm reflections and action upon the subject.

The state of Ohio has Indians within her limits. While they remain there, the same inconvenience which has been experienced in other States will continue to be felt in that. Under the liberal provisions of the act of 1830 no propositions have been made, and no special agents sent amongst those tribes to explain the views and policy of the Government. To do so becomes necessary, particularly since one of the tribes, recently and of their own accord, came to this place, and stipulated with the Government for an exchange of lands and removal to the west. You have been appointed by the President to confer with these people, and make to them the necessary explanations on this subject so important to them.

It is directed, then, that you proceed at as early a period as practicable, to visit the different tribes of Indians within the State of Ohio, and ascertain their views upon the subject for which you are sent; and, on finding them disposed to cede their lands and remove west of the Mississippi, to conclude arrangements to that effect. The agent and sub-agents you will advise with, and call to your assistance whenever deemed necessary. It is wished that the agent be with you at any treaty concluded. As caution is essential to the successful termination of such a business, reserve, and silence as to the object of your visit is suggested to you as matter for your discretion—to make it known to the chiefs in conversation only as you pass amongst them, and explain the wishes of the Government, and its conviction that it is the only course which can secure to them happiness, and preserve them as a people. Should you find them disposed to listen to you, and in the end willing to treat, you can proceed to do so, on a sufficient number not being together and at hand, to appoint a convenient time when you will. Having concluded an arrangement with one tribe, you will proceed to the next, and the next, until all are acted with.

The basis of your action particularly, will be the act of Congress of May 1830—a grant for the lands after the manner there stated, with a support of wholesome provisions as it provides. A principal object will be to get these Ohio tribes compactly together, and an entire country in common, provided their acquaintance and intimacy be such as to make their association desirable, to be laid off for them adjoining, or near to as practicable, where the Senecas are located, or in such other part of the country as may be wished, taking care not to have the locations so scattered as to interrupt other settlements hereafter to be made, and taking care also to have them resting on the line of some former Indian boundary—the mode and manner of making the location to be at the option and discretion of the President; stipulating, also, that they shall have a quantity of land equal to what they cede, or one third or one half more than they cede, accordingly as the limited quantity they hold contrasted with the number of their people, their agricultural turn, or other circumstances in your judgment and opinion may make necessary and proper.

This done, you will stipulate for the sale of their lands by the Government, that, after deducting from the whole quantity of the land ceded, 70-100 or 62½-100, and the expenses of surveying and settling them, the balance shall be paid over to the tribes respectively, or may be created into a 5 per cent. fund, the principal of which may be redeemed at any time within thirty years, at the pleasure of Congress.

Mills, houses, churches, &c., which may be required to be built, to be

chargeable on the fund sales, where the United States may bind themselves in the agreement to build them.

It is represented that the different tribes of Indians residing in Ohio own the following quantity of acres of land, to wit:

	Souls.	Acres.	To be given west of Mississippi.
The Wyandots,	500	163,000	165,000
Shawnees	600	117,000	150,000
Senecas	200	40,000	50,000
Ottoways	300	50,000	70,000
	1,600	370,000	435,000

If you can exchange, and no more land is required than is stated, to wit, 435,000, or say 500,000 acres, then you may further stipulate to give, as an earnest of their great father's kindness, to the

	Blankets.	Ploughs.	Hoes.	Axes.	Guns.
Wyandots	500	50	50	50	50
Shawnees	500	50	50	50	50
Senecas	200	20	20	20	20
Ottoways	300	30	30	30	30
	1,500	150	150	150	150

The above articles are estimated to cost about \$10,000, and the expense of removal and support for one year will not fall short of \$30 a head, or \$60,000; in all about \$70,000, beside the expense of the treaty, which will be equal to 20 cents an acre on the whole amount owned by them, to wit, 370,000 acres.

As regards locating the Indians west of the Mississippi, endeavor to place them south of the Shawnees' reservation, and west of the Weas, Peorias, Piankesaws, and Kaskaskias, as you will see it laid down on the map. If the four tribes will all go together, let their reservation begin on the west boundary of the Weas and others, two and a half or three miles south of the Shawnees' south boundary, so that this opening may form a common pass-way to all those tribes in common, without either intruding on the lands of the other. If located here, the whole four I mean, the location may be extended as far south as reservation of the Weas and others extend south, and west far as the Shawnees' reservation goes.

If all or any prefer to follow the Senecas with whom we have treated, then stipulate for such as desire to locate in that direction for so much land contiguous to, and adjoining the lands granted to the Senecas, by agreement made at Washington "the 28th February, 1831."

In arranging the quantity of land to be given west, it is not meant to restrict you precisely to the number of acres stated. The quantity may be increased to 20 or 25 per cent. beyond the amount each may cede, or even one half more than is ceded may be extended to the Senecas and Ottoways who have small claims, should it become indispensable; but if any material increase be made, it will be advisable to state that the balance of sales of their lands over 70 cents, instead of 62, shall be paid to them.

The country to be theirs by grant while they continue to reside on it, or exist as a tribe.

Your compensation for the performance of this duty will be five dollars a day, and your expenses, to be computed from the time you may leave home

to enter upon the business assigned you; and, to avoid the trouble of taking vouchers, three dollars for each twenty miles you may travel in going from or returning home. Your expenses from this place will be allowed.

You will make report of any thing connected with the Indian department during the period of your trip, that you may consider material to be known.

In performing the trust assigned you a strict economy is to be observed, and no expenditure is to be incurred that can be avoided. If treaties are concluded, or held, funds will be necessary. You are authorized, therefore, to draw upon the department for any amount not exceeding *two thousand dollars*. But in all cases of drawing a draft, a bill of items on account of which the draft is made, must be forwarded, certified and signed by yourself.

Very respectfully, &c.

JOHN H. EATON.

To Col. J. B. GARDINER.

WAR DEPARTMENT, *March 31, 1831.*

SIR: You have been appointed special agent to visit the Ohio Indians, and learn their disposition to cede their lands and remove west of the Mississippi river. Should you find them willing to remove, the President directs me to instruct you that you enter into negotiations with them, and conclude agreements to that effect; and, by the sanction of the President, this will be your authority for doing so.

Given at the War Office, the 31st March, 1831.

JOHN H. EATON.

Secretary of War.

To J. B. GARDINER.

WAR DEPARTMENT, *March 31, 1831.*

DEAR SIR: The communication forwarded by you from our agents, dated from Little Rock, in February, is the latest information we have from the Choctaw and Chickasaw deputations. That the former are pleased with the examination they have made, and are preparing to remove, we are well satisfied with; but of the views and hopes of the latter, which is a matter of high consideration, we are not instructed. The decision of the Supreme Court on this Indian question will set all these southern tribes aback. There was their last reliance, and that now has failed them. Their feelings of obstinacy being overcome, the Cherokees and Creeks must come into measures, and of their own accord solicit to be relieved from the awkward dilemma in which the right of authority and jurisdiction on the part of the States placed them. They cannot get along to any tolerable advantage, and their own thoughts and reflections must so assure them.

When these tribes shall come to treat, it will not do to be without a country adequate to their wants. Both in extent and in fertility one must be supplied. The Cherokees already by treaty own 7,000,000 acres, which, taking the whole aggregate of their population on both sides of the Mississippi, will give between four and five hundred acres to each soul, which is ample and abundant. The Creeks are not so well furnished, and, besides,

the boundaries of the two tribes conflict. To make a satisfactory adjustment between these two, it is desirable that the country between the North fork and the Canadian fork should be retained to be disposed of to effect this object.

Where then, are the Chickasaws to go, or how are they to be provided for, even if the country we have pointed out be acceptable to them, of which I have no expectation? By extinguishing a portion of the Osage title lying to the north of the Cherokees and Creeks, a home might be provided; but it is not supposed they would be satisfied with a country reaching so far north, and particularly so remote from their old friends and relations, the Choctaws.

We are much embarrassed on this subject. The Chickasaws, with all their desire to emigrate, cannot do so. If a suitable and approved home cannot be provided, they must abide where they are, and suffer all the inconveniences which subjection to State laws must impose. Within the Choctaw country there is abundant room for both tribes. Their population we estimated at 12,000; but let it be taken at 15,000, and let the Chickasaws, as the fact is, be set down at 5,000, which will be in all 20,000. The country claimed by the Choctaws contains not less than sixteen millions of acres, which will be eight hundred acres to each soul; an amount ample, and more than sufficient, for all their wants.

But while the Choctaws are disposed to receive the Chickasaws, the latter are not willing to become a part of their tribe, and desire to remain, as heretofore, a separate independent people. An arrangement to this effect, with the concurrence of both parties, might perhaps be made. Let the Chickasaws have a district within their country, to be subject to their own rules, with the understanding that each of the other three districts of the Choctaws under their respective chiefs shall also be governed independently by their laws. That a general chief shall be appointed every two or three years, with delegates from each district, to make laws for the whole. Under such an arrangement properly guarded, the Chickasaws may be satisfied. They would prefer though to have a country set apart to them, and this is desirable, if to be effected. As heretofore contemplated, it might be better that they see, and seek to arrange the matter with the Choctaws. They might be more successful in the application than the Government: the bargain, when made, to be submitted here for approval. Colbert might venture to conclude a bargain at \$5,000 for fifteen years, the end of the term of their annuity, which the Government would be willing to pay them. This, and the plan and mode of operating with the Choctaws, is left to your discretion; rather than fail in the end, 5,000 dollars for twenty years might be proposed; but this should be only at the heel of the business, and to put an end to the affair. After various trials by the Chickasaws, a representative of the Government, (the agent,) finding the addition of \$25,000 payable in five, or ten, or fifteen years would quiet every thing, might offer it, to be approved by the Secretary of War.

These are matters of considerable importance to the Government and the Indians; and I throw these suggestions out merely for your consideration, having every confidence in your discretion and judgment, and that you will project the details of action after some advisable mode. After conferring with Colonel Reynolds, should your presence be considered by you necessary to carry into effect what is proposed, of which you will judge, we

must ask the favor of you again to go to such point as shall be found necessary to attain the object of our desires.

Very respectfully,

JOHN H. EATON.

To General JOHN COFFEE,
Florence, Alabama.

WAR DEPARTMENT, *April 13, 1831.*

SIR: Previous to your departure from this place, in person, I had the honor to communicate the views which were entertained by the Government as to the surveys which you were appointed to make west of the Mississippi. Being fully informed upon this subject, it is not necessary to go minutely into detail, or to offer more than general directions.

Discontents have arisen between the Cherokees and Creeks who have emigrated; and one great cause, it is alleged, why emigration is reluctantly undertaken by those situated east of the Mississippi, is, first, that their limits and boundaries are not accurately defined; and, secondly, that the country set apart to them is not sufficient.

The object of sending you upon this duty is, that you run out, expeditiously as practicable, the Cherokee boundary, as you will find it defined by the terms of the last treaty made with them, and with which you have been furnished.

By this treaty 7,000,000 of acres are assigned to them, which is considered ample for the entire Cherokee people. Their numbers cannot be greater than 16 or 18 thousand, and perhaps not greater than twelve, which will give to every soul between 4 and 500 acres.

The first call of the treaty is to run north from Fort Smith, along the Arkansas and Missouri western boundary, until it cross the waters of the Grand river of the Neosho. Our maps do not show where *Grand river* is. There is a Grand river laid down, but this falls into the Missouri, and hence is not the stream intended by the treaty. This is a matter open to parole proof, and is to be settled in no other way. It will be incumbent on you, therefore, to obtain all the information you can as to the identity of this particular stream; and if nothing satisfactory can be obtained, you will proceed north until you cross the largest stream which runs into the Neosho, and designate that as your farthest northern boundary. The next course west, and the distance suggests no difficulty—the former Arkansas boundary, it is supposed, being a matter of notoriety.

Having ascertained these two calls, and made your calculation of the number of acres contained, it will then become necessary that you meander along the Arkansas and the Canadian fork, with a view correctly to determine how far it will be necessary to proceed up and between these two streams to make up the complement of 7,000,000 of acres secured to them by treaty.

This service being performed, your next business will be to arrange the Creek boundary, which must be surveyed north and west of the Cherokee boundary lines, and north of latitude 36°. As no designation of quantity has been made for these people, you will extend your survey, if practicable and safely to be done, as far west as the line which is said to define the habitable country, and which is about 200 miles west of Arkansas. Thence

you will run north to the south boundary of the Osage reserve, and with that boundary, east, to the western boundary of Missouri, thence south to the Cherokee line.

In meandering the Canadian fork and Arkansas, it is advisable that you note and mark on your plat of survey every fifth mile you run, and proceed along them westwardly to the line marked as habitable, if to this distance the lands shall appear fit for cultivation. Throughout your entire surveys it is important to make diversions into the country through which you pass, to ascertain the situation, quality, and nature of the soil, the timber, and kind of timber, whether plenty or otherwise, with all the resources the country is found to possess. The appearance, also, of the streams, their capacity for navigation or for mills, and whatever else shall occur to you as necessary to develop, and to explain fully, the kind of country is desired. Now we have no satisfactory information. Hereafter, through your labors, we hope to be able to inform the tribes of Indians, when they propose to treat, the precise nature and character and resources of the country. The kind and quality and quantity of game which you may see, you will also communicate in your report.

Should time enable you, it will be well, as you pass along the Osage reserve, to ascertain by observation, and the information you may obtain, what is the quality of that country. There is no suitable location for the Chickasaws, it is believed, and if the Osage reservation will answer for them as to soil and other advantages, they would better be content to be placed there, than to be thrown farther north, and away from their former neighbors, near whom they have lived so long. If the Osage reserve shall be found suitable for a settlement of the Chickasaws, and of which it is desirable to be informed, they, by some negotiation to be made, might be induced to go north of where they are at present situated, and thus afford to the Government the means of providing for the Chickasaws. Perceiving the object and wishes of the Government as it respects our Indian brothers, and knowing, as you do, the extreme solicitude which is felt to place these people in a situation entirely comfortable, we look to you and your party with great confidence to afford to the department the means of satisfying the Indians, in future, entirely as to the country to which we propose to remove them: otherwise exploring parties, which are found to be expensive, will become necessary.

A treaty lately concluded with the Senecas gives them a tract of land running 15 miles east and west, and seven north and south, on the Cherokee north line. Where the location is to be made must, of course, depend upon the survey which shall fix the Cherokee north boundary line, inasmuch as it is to lie along that line. This you will have to survey. It is desired, also, that you run out the country which lies between the Osage reserve and Missouri boundary, noting on the plat each five miles of distance run. The quality and character of this section of country I wish to be informed of.

Your compensation will, as last year was the case, be five dollars a day, and your assistants three dollars. Mr. Donelson, who has been appointed, has orders to report to you at Fort Gibson. One other, if wanted, you will appoint. Pack-horses, axe-men, a guard, if wanted, and provisions, can be supplied at Cantonment Gibson. Orders to that effect will be given to the commanding officer: they will issue to-day. For the purpose of aiding your undertaking, you are authorized to draw upon the department for not

exceeding one thousand dollars. In all your disbursements a strict economy will be expected.

You are requested to enter upon this service as early as possible.

Colonel Arbuckle is directed to detail a guard of fifteen or twenty-five men, axe-men, markers, &c. The guard, if wanted, need not, I presume, be called into service until you direct your course to the west. I suggest to you if, in meandering the Arkansas and Canadian fork, it will not be preferable to go as far west as you may contemplate, and let your assistants *descend* the river. In this way, each day, they will be approaching nearer to the settlements, and getting away from all danger from the Indians. In the meantime, you can be employed in going north and traversing the Osage boundary, east, towards Missouri. Your assistants, on reaching Fort Smith, could proceed north, and unite with you somewhere in the neighborhood of the Seneca location, north of the Cherokee boundary. You will probably have traversed the Osage south line, and made the necessary observations, by the time those assistants could meander those streams. If this suggestion meets your own views, then the north line to the Grand river of the Neosho, as is stated in the Cherokee treaty, and the surveys north of that line, and between the Osage reserve and the Missouri boundary, will remain as the last business to be attended to.

Very respectfully,

JOHN H. EATON.

To the Rev. ISAAC McCox.

WAR DEPARTMENT,

Office Indian Affairs, April 16, 1831.

SIR: Your bill in favor of Wm. and John Ellis, for \$1,137 $\frac{42}{100}$, for boats furnished for Cherokee emigrants, has been presented and paid. The Secretary of War directs that you take measures to have the boats preserved in good order, until such further directions be given in regard to them as may become necessary. You will report the measures adopted for the preservation of the boats, the expense for which, if any, should be as moderate as possible.

I am, sir, &c., &c.,

SAMUEL S. HAMILTON.

To Colonel HUGH MONTGOMERY,

Cherokee Agent.

WAR DEPARTMENT, *April 26, 1831.*

SIR: Some time ago, you were instructed to report to the department the precise amount in your hands on account of emigration. The object was to deduct the amount from the annuity to be remitted, that the fund might be used here, where it is wanted. The direction given you on this subject is again renewed, and by return mail your answer will be expected.

Very respectfully, &c., &c., &c.,

JOHN H. EATON.

To Colonel JOHN CROWELL,

Indian Agent.

WAR DEPARTMENT, *April 26, 1831.*

SIR: By the provisions of the 19th article of a treaty concluded with the Choctaw Indians, reservations are stipulated for to the amount of 458,000 acres. The right to claim these is made to depend on the number of acres which each individual of the several enumerated classes actually "had in cultivation, with a dwelling-house thereon," during the year 1830.

To give certainty and effect to this article, and to avoid every thing of fraud and imposition, it becomes necessary that the ceded country be thoroughly examined, and the quantity of land cultivated by each Indian, during the past year, having a dwelling-house thereon, be ascertained. By the terms of the article, you will perceive that the first class of persons provided for are such as have cultivated fifty acres or more, and varying downwards, to such as cultivated in 1830, from two to twelve acres. A reference to the treaty will more fully explain the objects which will require your attention.

Actual surveys to ascertain the quantity of land will not be necessary. The mere stepping over a field, and often the eye alone, will be enough to determine the quantity with sufficient accuracy. What shall be understood by "cultivation" is not that the party should have planted a crop, and worked it regularly: the term may include grass-lots, as well as fields which have been used for the growing of products of different kinds. But waste grounds, although cleared and under fencing, will not be understood as coming under the term "cultivation." In the first place, the land must contain a dwelling-house, meaning a house or cabin in which persons have actually *resided*, with lands cleared and attended to during the year, under such circumstances as to show that they have been used for the purpose of agricultural benefit of some kind.

As the reservations are to be surveyed so as to include the dwelling-house, you are to be particular in your examinations that the house was built previous to the date of the treaty. In your report, therefore, you will endeavor to specify, nearly as may be, the precise locality of each farm examined, that settlements and removals after the treaty was concluded may not be passed off upon the Government, and reservations obtained at other places and on better lands.

A register of farms examined, and the acres in cultivation, their situation and probable worth, with such distinguishing places to understand their locality, as you can be informed of, you are requested to state for the information of the department. The names of the Indians owning or claiming the several places secured under the 19th article, with the number of each family over and under, say ten years and sixteen years, are desired. Far as practicable, the department desire to be informed of the strength of the nation, the better to know the preparation proper to be made for their removal, and the quantity of rifles necessary to be procured.

As it is important to the interest of the Government, and to the just demands of the Indians, that the service here assigned you should be done with as little delay as possible, two assistants will be assigned to aid you in performance of the duty, to whom a compensation of \$750 each will be given. Your own will be \$1,000. You and they will be paid on the receipt of certificate from you that the service has been fully executed.

Enclosed are three copies of the treaty. Such information, connected with any part of it, as you may be able to obtain during your stay, will be acceptably received by the department, to be communicated in your report.

Five hundred dollars are assigned for the purpose of partial expenditures that may arise, and for engaging persons to act as pilots in traversing the country. In the selection, it will be advisable to procure Indians, of whom there are many who speak both languages. They are a jealous people, and may have some fears when asked about the numbers of their people, that the object is to tax them. To avoid this, you will explain to them that the only design of your visit and inquiry is, to enable the Government to lay off their reservations; to know the quantity of materials, guns, &c., necessary to be procured for them; and to obtain a sufficiency of provisions, to be adequate to all their wants; and that these objects can be attained with certainty, in no other way than after the one pursued. Impress upon them the necessity of being ready, one third or one half of them, to remove by the 15th or 20th of September, that they may reach their homes before the cold weather sets in.

Until informed as to the probable number that will remove in the fall, the necessary preparations cannot be made. The number of wagons that will be wanted cannot be known; nor can it be ascertained what quantity of provisions will be necessary. It is wished, therefore, that you will strongly impress on the agent, and the principal men of the nation, the propriety of advising the department on this subject as early as possible, and do so yourself, in order that every arrangement may be made. All should not depart in one season. A few going over to raise their crops would make the others, on their arrival, more comfortable through the facility with which provisions could be obtained.

From time to time, you will keep the Secretary of War advised of your movements, and of such information, connected with the general provisions of the treaty, as you may consider advisable to be known. Punctuality and despatch, and a full and final report before the meeting of Congress, will be expected.

Very respectfully,

JOHN H. EATON.

To Major F. W. ARMSTRONG.

WAR DEPARTMENT,

Office Indian Affairs, April 29, 1831.

SIR: A requisition is issued in your favor for \$25,446, and a remittance of that amount will, accordingly, be made to you from the Treasury, to be applied to the expenses of the several agencies, &c., of your superintendency, for the two first quarters of the present year, agreeably to the accompanying statement. The Secretary of War has thought it more convenient and safe to make the remittances through you as heretofore, than to the agents direct, as was proposed.

The amounts remitted under the heads of presents and contingencies are small; but it is hoped, with due economy, they will be sufficient for these objects. The department is very desirous that the expense for both of these objects should be reduced as low as possible; and, whenever it can be done without manifest injury to the service, dispensed with altogether. Presents should be distributed with great discretion, and only when some object is to be effected, and the contingent disbursements should be confined exclusively

to such expenses as are necessarily connected with the offices of the several agents, and indispensable to the due performance of the duties thereof. No extra expenses of any kind are to be incurred unless they are authorized by the department, or in cases of great emergency; in which last event, the proper explanations must be immediately forwarded to the department, and also accompany the accounts, when rendered, for settlement: otherwise, the charge for such extra expense will not be allowed by the Secretary of War, when they are presented by the accounting officers, as is usual, for his sanction. The amount, for the payment of the annuities due under the treaties ratified previous to the last session of Congress, will, as heretofore, be remitted to you as soon as the Treasury Department is ready to act upon the requisitions of the Secretary of War on the appropriations for annuities, which will probably not be the case under a week or ten days.

To enable you to carry into effect the stipulations of the treaty of Prairie du Chien, and the supplemental article concluded with the Delawares, and also other objects for which appropriations were made at the late session of Congress; (all of which, it is believed, are embraced in the enclosed extracts from the appropriation acts,) it is considered more convenient to authorize you to draw on the department as the funds for these various purposes may be required. Your bills, in every case, to be accompanied by a statement of the object for which the money is required; so that the amount may be charged to the proper appropriation. Letters of advice, also, containing similar information, to be forwarded to the department immediately when any bill may be drawn; which will prepare the department to act upon the bills without delay, when they may be presented for payment.

It is respectfully suggested that triplicate receipts be taken of the agents for all funds placed in their hands by you, showing the amount received of you *under each head*; one of which to be immediately forwarded to the department, on which the agent would be charged, and you credited, with the amount as soon as received; one to accompany your accounts when rendered, and one to be retained in your office.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To General WILLIAM CLARK,
Sup't Indian Affairs.

WAR DEPARTMENT, *April 30, 1831.*

SIR: The duty assigned you in the Choctaw nation you are requested to engage in early as possible. Enclosed are your instructions. In executing them, funds will be necessary to employ pilots to conduct you through the country, interpreters, &c., &c. It is not competent to the department to make any advance to you, but you are authorized, when the expenditure is made, to draw upon the department for five hundred dollars.

Very respectfully,

JOHN H. EATON.

To Major F. W. ARMSTRONG.

WAR DEPARTMENT,
Office *Indian Affairs*, May 3, 1831.

SIR: I have the honor to report, that, on examining the appropriation laws of last session of Congress, I find that no appropriation was made on the estimate which was reported up to you from this office, and accompanied your letter of the 31st December, 1830, to the chairman of the Committee of Ways and Means of the House of Representatives, to carry into effect the stipulations of the treaties with the united nations of Chippewa, Ottawa, and Pottawatamie Indians, and the nation of Winnebago Indians, concluded at Prairie du Chien the 29th July and 1st August, 1829, for annuities and other objects which require an annual expenditure of money.

These Indians are a wild and restless people, and it would be very difficult to satisfy and keep them quiet, if the treaty provisions with them for annuities, &c., be not punctually fulfilled. It is important, therefore, that some mode should be adopted to supply for the present the omission of Congress to make the necessary appropriations to carry into effect these treaties, and accordingly, I respectfully submit the subject, with the accompanying statement, showing the amount required for your consideration and directions. I would respectfully add, that the mode which appears to be the least liable to exception that occurs to me, is to authorize Governor Cass and General Clark to draw on the department for the amount required to carry into effect said treaties within their respective superintendencies, to be paid on the passage of an appropriation by Congress at the next session for this object.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To the Hon. JOHN H. EATON,
Secretary of War.

WAR DEPARTMENT, May 4, 1831.

DEAR SIR: Your letter of the 20th April has reached me.

You inquire if persons usually denominated missionaries, those who are engaged in instructing Indians within the limits of the Cherokee nation, are considered at this department in the character of Government agents. The course which has heretofore been pursued will serve to explain your inquiry.

Congress, impressed with the necessity of awakening the Indians within our limits to some course of instructions which might tend to improve their condition, early as March, 1819, granted \$10,000 a year for this object, under the appropriating head of civilization of Indians. This sum has been apportioned out annually to certain missionary societies, who have employed and sent their young men to engage with these people in a course of instruction. They are in nothing answerable or amenable to the Government, except to the extent that other citizens of the country are answerable. Our agents can order them from the nation for causes of objection or misconduct arising under the laws of the United States which regulate trade and intercourse with the Indians. Their right to remain is merely passive. The entire agency of the Government in this respect is but incidental to the right to carry into effect the appropriation made for civilizing the Indians.

To carry out the intention of Congress in reference to this appropriation, it is not necessary that schools should be kept within the limits of the nation; the children might be educated without those limits, and the design of the appropriation be fully answered: such, however, was the policy and course of the Government, and that policy has been accordingly continued. It is the desire of the Executive to prevail on our Indians peaceably to remove from their habitations within the States, and retire west, where they can be protected to better advantage. The reasons which are connected with it have been repeatedly and fully explained. Any person, then, resident amongst the Indians, who seeks to undermine, and to prevent this obvious course of policy so desired by the reflecting part of the community, and so advantageous to the Indians, is in pursuit of a course which cannot receive sanction here, and which, when known, will be promptly remedied by compelling such person from his residence amongst them. Authority to remain in an Indian country, being merely a permissive one, that permission will not be continued to any who are acting in opposition to the kind wishes and charitable designs entertained by the Government towards our red brothers.

I would beg leave then to suggest to you, as the better course, that from time to time, as you may be informed, information might be given to the agent of the Cherokees of the misconduct and interference by any person residing in the Indian country, that he may report all the facts. The necessary steps to effect a removal can then be taken—I do not mean as to infractions of the laws of your State, because those are matters for the exercise of your own jurisdiction and powers: I make the suggestion for reasons which you will appreciate. All excitement possible to be prevented should be avoided: as much has been said of the judicial authority of Georgia, when exercised within the Indian country, it would be preferable, I think, to exercise it in cases only which are without the reach of other remedies.

The enclosed paper, A, will show that there are only two superintendencies within the Cherokee country which receive any portion of the \$10,000 fund—the one a Moravian, the other a Baptist establishment. The other seven instructors under the Boston missionary board are proceeding upon their own resources.

Paper marked B is enclosed to show you that the principle asserted in this letter, of denying the right of residence within an Indian country to such as oppose the views and policy and course of the Government, is the same which was adopted under the last administration, and which the agents to the Indians in February, 1829, were required to have executed.

The other papers enclosed, (C and D,) are sent merely for the purpose of informing you of the origin of those schools which have since been continued amongst the Indians. Congress, until 1819, made no appropriation. Then \$10,000 were given, and it has been continued ever since.

With great respect,

JOHN H. EATON.

To his Excellency GEORGE R. GILMER,
Governor of Georgia.

WAR DEPARTMENT, May 5, 1831.

DEAR SIR: The annexed report will show the difficulty to which the Government will be subjected, on account of an omission at the last session

of Congress to make an appropriation to carry into effect the treaties of Prairie du Chien. The entire difficulty is \$39,075; all of which, except \$4,000, will be disbursed in the superintendency of Governor Cass: the other \$4,000 by General Clark. Will your board be disposed to advance the amount wanted, upon a draft to be accepted, payable when an appropriation shall be made? If so, for the amount required for Governor Cass, a draft drawn by him will be so accepted.

With great respect,

JOHN H. EATON.

NICHOLAS BIDDLE, Esq.,

President of the United States Bank, Philadelphia.

WAR DEPARTMENT, May 7, 1831.

DEAR COLONEL: I had expected to hear from you when you had understood the treaty was ratified. Understanding, in the winter, that some of your people had gone over, a confidential officer was despatched with funds, and directions to supply their wants. He will remain there, with his assistants, to give succor to your people as they go over to their new homes.

The spring and summer is not the proper time to remove. The year, during which time the Government is to supply them with provisions, would expire. Should they remove now, before their crops could be ripe in the next year, of course, they would be left for a time without provisions. It would be more convenient for the Government when the waters were high, and steamboats in motion, to make the removal: but, desirous to act with every kindness towards our Indian brothers, our object is, and will be, to regard their comfort and happiness. We are preparing everything. Wagons will be in readiness and abundant. Depots of provisions will be placed at different points, ready when notice is had that your people are prepared to depart. The month of September will most likely be the best time. One-half or one-third had better go this year, and the rest follow the next.

Upon this subject, write me fully and early. Our guns, hoes, axes, ploughs, blankets, &c., will all shortly be ready to supply at least one-half your people.

The Little Leader and some others have written, expressing a wish to remain. Direct his attention to the 14th article of the treaty. He can remain only by becoming a citizen, and subject to the laws of Mississippi.

Very respectfully,

JOHN H. EATON.

To Colonel GREENWOOD LEFLORE,
Choctaw Chief.

WAR DEPARTMENT,

Office Indian Affairs, May 7, 1831.

SIR: The Secretary of War has issued a requisition in your favor for thirty thousand four hundred dollars, which will be remitted to you from the Treasury. The said sum is to be deposited in the bank by you, to

the credit, and subject to the order of General William Clark superintendent of Indian affairs, St. Louis, Missouri.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To the CASHIER,

Of the Bank of the United States, Philadelphia.

WAR DEPARTMENT,

Office Indian Affairs, May 7, 1831.

SIR: I have just received the directions of the Secretary of War, to inform you that, if you can obtain of the Indians who are parties to the treaty of Prairie du Chien, which was ratified at the last session of Congress, thirteen boys between ten and fifteen years of age, to be selected from the respective bands, and sent to be educated at the Choctaw Academy, in Kentucky, you are at liberty to do so, and to draw on the department for the expense, giving the usual advice of such draft. This mode of applying the fund of three thousand dollars set apart by the treaty referred to, for education, is preferred, from the belief that it is the most advantageous for the Indians, and will also enable the department the better to superintend it. The arrangements for sending the boys to the academy are left to your discretion: they should, however, be suitable, and at the same time economical, in order to leave as much of the fund as possible to be applied to the expenses at the academy. A statement of the expenses of outfit, &c., should accompany the draft.

I have this moment received your letter of the 21st ultimo, and at the same time the draft for \$6,000, therein referred to. The draft is accepted by the Secretary of War, and will be paid from the appropriation of \$3,000 for the annuities due to the Yancton and Santie bands under the late treaty, and \$3,000, from the appropriation of \$24,214 $\frac{72}{100}$ for expense of negotiating said treaty: your former bill of \$9,000 was also paid from this last appropriation, making \$12,000 paid from it.

I mention these particulars, that you may know how to regulate your future drafts on account of this treaty, and keep them within the amounts appropriated under the several heads. You are already advised of a requisition being issued in your favor for the expenses of the several agencies of your superintendency; and I have now the pleasure to inform you that the Secretary of War has just passed a requisition also for \$30,400, being for the amount of the annuities which are referred to in the accompanying statement, to be placed to your credit, and subject to your order in the United States' Bank at Philadelphia.

The statement shows the names of the tribes, and the amount due to them respectively, to whom these annuities are to be paid. No appropriation having been made at the last session of Congress for the Winnebago annuities due under the treaty at Prairie du Chien, of 1829, I will in a few days advise you as to the mode to be adopted to obtain the \$4,000 of this annuity, which is paid through the Prairie du Chien agency. An estimate was sent in, with the other estimates, for this annuity early in the session; and I was under the impression that the appropriation had been made, and did not know of the omission to do so until it was discovered in examining the acts for the purpose of preparing the requisitions for annuities.

I hope what has been done will be sufficient to enable you to proceed in

the execution of the late treaty of Prairie du Chien, and the supplemental article with the Delawares; and also of the usual duties of the superintendency, without further difficulty. The remittances could not be made sooner than they have been, owing, as I have before stated, to the new arrangements of the Treasury, which prevented the passage of warrants on the appropriations until these arrangements were completed.

Very respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To General WILLIAM CLARK,

Supt. Indian Affairs, &c.

P. S. A regular appointment has been made out and forwarded by General Campbell, the Creek agent west, for Captain Pryor, as sub-agent in the Osage nation.

S. S. H.

WAR DEPARTMENT,

Office Indian Affairs, May 7, 1831.

SIR: The Secretary of War has issued two requisitions in your favor—one for twenty-two thousand one hundred and seventy-seven dollars, and the other for seventy-four thousand nine hundred and eighty dollars, which will be remitted to you from the Treasury. The said sums are to be deposited in the bank by you to the credit, and subject to the order of his excellency Lewis Cass, superintendent of Indian affairs at Detroit.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To the CASHIER

Of the Branch Bank of the United States, New York.

WAR DEPARTMENT,

Office Indian Affairs, May 9, 1831.

SIR: The president of the United States Bank at Philadelphia has agreed to advance the sum of \$4,000 to pay that portion of the annuities due to the Winnebagoes under the treaty of Prairie du Chien of 1829, which is paid through your superintendency, on your draft on the department for the same, to be paid on the passage of an appropriation at the next session of Congress.

The Secretary of War has therefore directed me to authorize you to draw accordingly on the department in favor of the bank for this sum, and to forward the draft to the bank; on the receipt of which there the amount will be placed to your credit, and held subject to your order.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To General WILLIAM CLARK,

Supt. Indian Affairs, &c.

WAR DEPARTMENT, *May 9, 1831.*

SIR: Your letter of the 7th instant is received. I have to express my gratification at the very prompt compliance, on your part, as President of the United

States Bank, with the request of the department for the advance of the sum of \$39,075 on the bills of Governor Cass and General Clark, to be paid on the passage of an appropriation, at the next session of Congress, to carry into effect certain Indian treaties for which no appropriation was made at the last session.

As the funds required for the annuities paid through the superintendency of General Clark, for which appropriations have been made, amounting to \$30,400, will be remitted, agreeably to his request, to be placed to his credit, and held subject to his order, in the United States Bank at Philadelphia, it will only be necessary to place to his credit, also, in the bank the additional sum of \$4,000, which you have agreed to advance, as above stated, to pay the annuities for which no appropriation has been made. General Clark will be advised of the arrangement, and authorized to draw accordingly.

I am, &c., &c.,

JOHN H. EATON.

To N. BIDDLE, Esq.,

President of the United States Bank, Philadelphia.

WAR DEPARTMENT, May 10, 1831.

SIR: Colonel J. B. Gardiner has been instructed to proceed to Ohio, and ascertain if he can prevail on the Indians within the State to remove west of the Mississippi. It is desirable that he should act with circumspection and silence in a business of so much importance, that opposition and interruption to the views and wishes of the Government may be avoided. He is directed to confer with you, and you are requested to give him whatever facilities you can to further the objects which are before him. The preferable plan, we suppose, is to see the chiefs, and explain fully to them the advantages that will be derived from their retiring from their near contiguity to the whites, and from the operation of laws which they cannot understand. That, by going west of the river, they will be free from all interruptions by the whites, and can live comfortably under their own laws and usages. If disposed to treat, an arrangement to be entered into with them by yourself and Colonel Gardiner on the basis which you will find stated in his instructions. As Colonel Gardiner is by this time at home, and probably ready to act, you had better notify him of your readiness to co-operate, and send him a copy of this letter.

Complaints have been made about your residing at Columbus, so distant from your tribes. The policy seems questionable. Is there not some point nearer where your services could be rendered more advantageously, and with greater benefit to the Indians?

Very respectfully,

JOHN H. EATON.

To Colonel JOHN McELVAIN,

Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, May 11, 1831

SIR: Since writing to you on the 7th instant, it has been ascertained that the requisition of the Secretary of War, for \$30,400, to pay certain annuities,

cannot pass the Treasury on account of the appropriation for annuities per act 6th May, 1796, appearing to have been overdrawn on their books. How this has happened, I cannot at present say. But in order to get the requisition through, it was necessary to reduce the amount to be drawn under this act, from \$2,500 to \$1,500, so that the amount to be placed to your credit in the Bank of the United States at Philadelphia will be \$29,400 instead of \$30,400. As soon as the difference is brought back to the credit of the appropriation on the books of the Treasury, it will be remitted to you.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To General WILLIAM CLARK,

Superintendent Indian Affairs, &c.

WAR DEPARTMENT,

Office of Indian Affairs, May 11, 1831.

SIR: On the 7th instant you were notified through this office that a requisition had been issued in your favor for \$30,400, to be deposited to the credit of General Clark, superintendent of Indian affairs at St. Louis. It now appears that the state of the appropriations on the books of the Treasury will not allow the passage of said requisition for more than \$29,400; which sum, when received by you, be pleased to credit as before advised.

Very respectfully,

Yours, &c.,

SAMUEL S. HAMILTON.

To THE CASHIER

of the Bank U. S., Philadelphia.

WAR DEPARTMENT, *May 12, 1831.*

SIR: The Choctaw chiefs have recently requested that Mr. Deringer, (who has heretofore furnished some rifles for them, with which they are well pleased,) may be employed to furnish those required for their people under the provisions of the late treaty. This request of the chiefs being considered reasonable, it will be complied with, not from any objections to your rifles, but solely with a view to gratify the Choctaws.

There will be required 100 rifles for the Senecas of Ohio, to fulfil a stipulation of the late treaty with them. These (100) you are authorized to make at \$12 50 cents; to conform in all respects to the sample furnished, except as to the length of the barrel, which it is desired may be made about two inches shorter. After they are completed you will notify the department, and instructions will be sent to you as to the point to which they are to be forwarded.

Very respectfully,

Your obedient servant,

JOHN H. EATON.

To GEORGE W. TRYON,

Philadelphia.

Not percussion, but flint locks—\$12 50 cents to include wipers, moulds, covers, &c., complete.

WAR DEPARTMENT,

Office Indian Affairs, May 12, 1831.

SIR: I have received your letter of the 30th ultimo. I submitted to the Secretary of War, in due time, requisitions for funds to be remitted to you *direct*, for the expenses of your agency, for two first quarters of the present year, and for the annuities due to the Indians of your agency. The Secretary, however, considering it a more convenient and safe mode, directed the amount for these purposes to be placed in the hands of Governor Cass, as formerly, which has been done: you are accordingly referred to him on the subject of funds.

The Secretary of War has directed me to transmit to you the copy of the Seneca treaty. An appropriation was made, (of which a statement is enclosed,) to carry this treaty into effect.

You will observe by the treaty that the funds which have been appropriated are not to be applied until after the removal of the Senecas. The Secretary has directed me to instruct you to take measures to carry into effect the treaty, so far as you can, by ascertaining and reporting to the department the time at which the Indians will be ready to remove, when further directions will be given as to the means and mode of removal.

The property belonging to the Indians, which they may not be able to take with them, you are authorized to direct Mr. Brish, the sub-agent, to sell at a proper time, and pay over the proceeds, as provided for by the 6th article.

As I stated to you in a former letter, you will hold the funds remitted to you for the removal of the Delawares, to be applied to that object whenever they may be required. These Indians having sold out all their claims to lands in Ohio, and agreed to remove west, it is presumed they will not delay much longer to do so. When they see the Senecas in motion, perhaps it will induce them to make a move also.

I have conversed with the Secretary of War in regard to the wish of the Indians, for a small portion of the annuity to be retained for certain national and charitable purposes. He thinks the request of the Indians a reasonable one, but appears to be unwilling to make any change in the order for the payment of the annuities. You will therefore comply with the order as far as you can, and should it be necessary, for the purpose of complying with the reasonable requests of the Indians, to deviate in any respect therefrom, such deviation, I have no doubt, will be approved by the Secretary when submitted to him, if accompanied by the written request of the Indians on which it was made.

Funds have been placed in the hands of Governor Cass for repairs of agency buildings. You are therefore referred to him on this point.

Your communications will always receive the earliest attention that circumstances will admit of. Some delay is, at times, necessarily occasioned by the press of business in the office, and often, also, by the great press on the Secretary, which renders it difficult to obtain his directions as soon as might be desired.

If you have not been answered on all the points on which you wish in-

structions, be pleased to inform me, and an early answer may be expected. I have the honor herewith to enclose your commission.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To Col. JOHN McELVAIN,
Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, May 13, 1831.

SIR: On the 17th instant you were advised that a requisition had issued in your favor for \$74,805, to be placed to the credit, and subject to the order of his Excellency Lewis Cass. By a subsequent arrangement, the amount of the requisition has been reduced to \$70,185; which sum, when received, you will credit as advised.

Very respectfully,

SAMUEL S. HAMILTON.

To the CASHIER BRANCH BANK U. S.,
New York.

WAR DEPARTMENT,

Office Indian Affairs, May 14, 1831.

SIR: I transmit for your information the enclosed copy of a letter from Mr. Brish, the sub-agent.

The Secretary of War directs me to instruct you to comply with the request of the Senecas, to be furnished with fifty or sixty dollars' worth of provisions at the proposed meeting; and, if necessary, you will draw on the department for that amount to pay the expense, or a charge for the same will be allowed in your account for the present quarter; the receipt of the Indians to be taken and forwarded, as your voucher for the delivery of the provisions. The Secretary also directs that Mr. Brish be employed by you as the agent to make sale of the Indian property, agreeably to the 6th article of the late treaty with the Senecas. Of this, however, you have already been apprized.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Col. JOHN McELVAIN,
Indian Agent, &c.

WAR DEPARTMENT, *May 14, 1831.*

SIR: The Choctaw treaty and the supplement have been published in the newspapers, which will give full information to you as to the several questions contained in your letter of the 26th April. No purchase made, or to be made, of the Choctaws is good for any thing, unless with the approval of the President.

Respectfully, &c.,

JOHN H. EATON.

To JOHN ALSTON, Esq.,
Georgeville, Mississippi.

WAR DEPARTMENT, *May 16, 1831.*

BROTHERS: Your talk of the 8th April has been received, and submitted to the consideration of your great father. He will gladly learn, and to the extent that he is able, relieve the distresses of which you complain.

He well knows how unpleasant is your situation, and how greatly annoying it must be to be intruded upon by the whites, and the quiet of your homes thus disturbed. Repeatedly have you been told that there were no means at the disposal of the Government by which to prevent many of those inconveniences of which you complain. You are within the limits of Alabama, which is an independent State, and which is not answerable to your great father for the exercise of her jurisdiction over the people who reside within her limits. If a red man contracts a debt, by the laws of the State he is made answerable, and must pay it. If crime be committed, his guilt or innocence must be ascertained before a court, and justice be done. The same rules apply to the white as to the red man. Heretofore, our Indians have been permitted to abide by their own laws, and to punish offenders as they pleased. The reason of this was, that none of the States had extended over the tribes their laws: now, it is different. Georgia has made her laws to reach over the Cherokees; Alabama has extended her's over your people; and the State of Mississippi has done the same to the Choctaws and Chickasaws who reside within her limits. Your great father cannot prevent it; and if you will continue where you are, resolved not to unite with your brethren on the Arkansas, you can do so. But bear in mind that you must and will be subjected to the laws of the State.

The country your nation possesses west of the Mississippi river you say is not healthy. This surely is not correct; all the accounts we have here are opposed to your statement.

The agent, Col. Campbell, left here a few days ago. He has resided there two years, and his representation of the character, the soil, and climate of the country, is altogether favorable. Many of your people, too, as you well know, speak highly of the exchange, and could not be induced to return. Stock of all kinds, and abundant crops, are the fruits of their industry. At a distance from the white man, they receive the protection of their great father; and are, compared to what they were, a happy people. Join them, and the rest of you will be happy also. But at the places you are, and under the government of the laws of Alabama, you cannot be so.

Of these matters, however, you are to judge. You have been spoken to in candor and, as brothers, advised to your best interests. If you will not listen to our admonitions, the misfortunes and troubles which may arise to you hereafter must be charged only on yourselves, and to the interested advisers who beset you with their mischievous counsels.

Respecting the claims you have presented, they will shortly be examined into; when you will be advised of the result by Mr. Hamilton, who has charge of the Indian Bureau.

Your friend and brother,

JOHN H. EATON.

To the RED MEN,

of the Muscogee Nation of Indians.

WAR DEPARTMENT, *May 16, 1831.*

DEAR SIR: I have just received your letter of the 29th of April from Nashville; and since writing you on the 31st March, the map and report of Colonels Reynolds and Gaines have come to hand safely.

The providing a home and country for the Chickasaws, I am now aware, is a perplexing matter. By treaty with the Cherokees, they are permitted to pass up the Canadian Fork and the Arkansas for their complement of 7,000,000 of acres. How far their claim may ascend these streams, and thus impair the ability of the Government to assign a portion of desirable country to the Chickasaws, cannot be ascertained until a survey is had, which is in progress at this time under a well qualified man, the Reverend Isaac McCoy, assisted by John Donelson of Tennessee. Besides this difficulty, which is a very essential one, the Cherokees have the right of egress to the forest secured to them high as latitude 36. Of course the Government cannot, without violating this article, grant any portion of the country south of 36 and north of the Canadian river. By the provisions of the treaty of 1828, this region of country must remain a common outlet to the west for this tribe of Indians. Here is no place then to answer the Chickasaw treaty, which stipulates that they are to possess a country south of 36° north.

Two plans only suggest themselves by which to remedy this. Place the Cherokees higher north, and upon a portion of the Osage lands, which can be obtained by treaty with them, and yield them some equivalent for a surrender of this western outlet; or place it higher to the north; or else endeavor to prevail on the Choctaws to dispose of a part of their country for the benefit of the Chickasaws. That they are quite unwilling to be merged in the tribe of the Choctaws, I am fully sensible. Those who are in power will not willingly encounter the hazard of thus parting with that power. But when I suggested to you this plan, as I did in my last letter, it occurred to me that some arrangement on the part of the Government, such as that proposed to you, might be made, and prove satisfactory to all. The Choctaws, you know, are divided into three districts or clans, the Chickasaws might make a fourth; each in territorial jurisdiction to be independent of the other, and the whole to be placed under a general federal head chosen by all the districts. If something of this kind cannot be effected, or the Choctaws be induced to dispose of a part of their country, our prospect of any successful operation with the Chickasaws will prove bad enough for the present, and can only be reconciled by time and circumstance.

What may be done by placing the Cherokees farther to the north, whereby to leave unappropriated a portion of the country between the Arkansas and Canadian rivers, must rest until we have a return of the surveys which have been ordered. This part of the subject though is to be considered confidential, lest the Cherokees seize upon the suggestion as a circumstance in favor of their not removing, under the avowal that the Government again desire to re-purchase their lands in the west, and thus once more to disturb their quiet.

The Cherokee agreement of 1828 not being contained in the book of treaties which you and I had last fall when acting with the Chickasaws, it did not occur to us that this outlet had been secured by the treaty of 1828. If they can be prevailed upon to remove this outlet north of 36°, so as to confine its location between the natural boundaries of the Arkansas to the

north, and by the North fork to the south; then the country between the Canadian and the North fork will be disengaged, and may be transferred to the Chickasaws. But this will prove insufficient for this tribe, unless some arrangement can be made for procuring a part of the Choctaw territory south of the Canadian. Our information is that the Choctaws are settling to the south upon Red river: if this continues, we may hope that the north, being less prized than the country bordering on Texas, a home may be arranged there for the Chickasaws.

I send you a rough sketch of the country made hastily with a pen, and intended merely for your information, and to explain this letter to you fully. It will show you the Cherokee lands and their outlet, and the positions of the reservations to other tribes, the Creeks and Choctaws.

This is the last official letter I shall write you. Judge White may soon be expected, when once again I shall put on the agreeable garb of a private citizen.

With great respect, &c.,

JOHN H. EATON.

To General JOHN COFFEE,
Florence, Alabama.

WAR DEPARTMENT, *May 17, 1831.*

SIR: Your letter of the 2d of May has been received. Your desire to be informed what is to be done with "the stock of cattle and hogs which had been received from a party of Creek emigrants in 1829;" you also remark that last spring (1830) I promised to have you instructed on the subject. I have no recollection that this subject was ever before named to me, for it is such a one that I could not have hesitated a moment to consider and determine. Mr. Hamilton informs me that he has not heard of it before.

But why are cattle and hogs in the possession of the United States? I can find no treaty which stipulates for the execution of any trust of this sort by the Government. The last treaties concluded with the Creeks, in 1826 and 1828, contain no such stipulation; nor can there be found in the office any instructions to you authorizing the trust. It can be viewed, therefore, only as a private arrangement by the Indians, and hence the only suggestion to be made is, that, under your own discretion, you do with them whatever will best promote the interest of the owners.

Very respectfully,

JOHN H. EATON.

To Colonel JOHN CROWELL,
Creek Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, May 18, 1831.

SIR: Your letter to the Secretary of War, of the 22d ultimo, with the accompanying papers, has been received.

The Secretary directs me to say to you, in reply to that part of your letter which relates to the removal of Clermont's band of the Osages from their

present residence to the Osage reservation, that, in accordance with the policy of the Government; it is the intention to provide a suitable country for the Chickasaws to remove to, west of the Mississippi; and that, for this purpose, it will probably be necessary to obtain of the Osages a portion of their reservation. Under these circumstances, he considers it proper to defer, for the present, giving any instructions for the removal of Clermont's band. Should the contemplated arrangement for the accommodation of the Chickasaws, (to effect which, measures will probably be taken in the course of the summer,) be made, there will then be no further difficulty to the accomplishment of your views in regard to the Osages. In the mean time, Col. Arbuckle is, I understand, instructed by the proper department to prevent depredations on our citizens, and preserve peace. You are requested to instruct all the Indian agents under your control to co-operate with Col. Arbuckle and other officers commanding on the frontiers, and afford all the aid they can in effecting this very desirable object.

It is hoped that the council, which has been held at Cantonment Gibson, with the principal men of the Osages, Creeks, and Cherokees, has resulted in an amicable and permanent settlement of all their differences.

You have been authorized to draw on the department for funds appropriated to carry into effect the stipulations of the treaty of Prairie du Chien, and the supplemental article with the Delawares, and also for surveying the lands of the half-breed Sacs and Foxes; and will, of course, take the necessary steps to carry into effect all the stipulations of said treaties, and the other objects for which special appropriations have been made within your superintendency.

I am, very respectfully, &c.,

SAMUEL S. HAMILTON.

To General WILLIAM CLARK,

Sup't Indian Affairs, St. Louis, Missouri.

WAR DEPARTMENT,

Office Indian Affairs, May 21, 1831.

SIR: A letter has been received from Mr. Brish, enclosing your letter to him, dispensing with his services as sub-agent, &c. The Secretary of War directs me to inform you, that it was not the intention of the department that you should yourself dispense with the services of any persons employed, in connexion with your agency, in the Indian department; but to report the cases in which, in your opinion, the services of those employed might be dispensed with, and the expenses otherwise reduced, for the information and consideration of the department. It is considered important as the Senecas are, agreeably to the stipulations of their late treaty, about to make a move west, to continue the services of Mr. Brish, as their sub-agent, for the present; and I am directed by the Secretary to instruct you to continue his services accordingly, until further orders.

It appeared to be the wish of the deputation that Mr. Brish should accompany the Senecas west: it is probable, therefore, should it be necessary to employ any one for that purpose, that he will be employed, as heretofore directed, in aiding you in the execution of the treaty, and making the preparatory arrangements for the removal of the Senecas.

Mr. Brish is directed to correspond with you, and take your directions on

all points on which it may be necessary for him to act, in order that there may be perfect understanding and harmony in your operations.

I am, very respectfully, sir,

Your most obedient servant,

SAMUEL S. HAMILTON.

To Colonel JOHN McELVAIN,
Indian Agent, &c.

DEPARTMENT OF WAR,
Office Indian Affairs, May 21, 1831.

SIR : Your letter of the 4th instant, with its enclosures, was duly received.

I transmit, for your information and government, a copy of a letter to Colonel McElvain, the Indian agent. It is important that the agent and yourself should, while you remain in the office of sub-agent, act in harmony; and, with a view to this, it is proper that you should correspond with him, and take his directions on all points on which it may be necessary for you to act, and be governed by them.

The agent has been directed to employ you as the agent to sell the property of the Senecas, and pay over the proceeds, as provided for by the 6th article of the treaty. You will therefore perform that duty under his directions.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To HENRY C. BRISH, Esq.,
Sub-Agent Indian Affairs, Fort Ball, Seneca county, Ohio.

DEPARTMENT OF WAR,
Office Indian Affairs, May 21, 1831.

SIR : Your letter of the 3d instant is received. Enclosed is a copy of the Choctaw treaty, which, you will observe, is ratified entirely, and precisely as it was concluded with the Choctaws, with the exception of the preamble. The exception of the preamble is a matter of no consequence to the Indians, as it does not affect, in any way, any article or stipulation of the treaty; all of which will, in due time, be fulfilled in good faith.

You will be careful in keeping a register of the reservations taken under the 14th article of the treaty; a fair copy of which to be made, duly certified, and transmitted for the information of the department.

Your attention is also called to the 5th and 6th division, or stipulation, of the 19th article. You will keep a register of the claims to be filed under these stipulations; also, noting therein every thing necessary to a proper understanding of the claims, that justice may be done to all intended to be provided for by the treaty. Certified copies of these registers will be transmitted, for the information of the department, as early as practicable after the duty is performed.

You are requested to be very particular in attending to these matters, as great reliance is placed on you for correct information in regard to them.

You are also expected to attend to any and every thing else that, as agent,

it is required of you by the treaty to do towards its execution. As respects the payment of the annuity of the Choctaws for this year, the Secretary of War directs me to inform you that, as the Choctaws are about to move west, a compliance on your part with the instruction of the Second Comptroller on this subject will not be required. You are therefore at liberty to pay the annuity to the chiefs, and take their receipts for the same, as you have heretofore done.

I am, respectfully, &c., &c.

SAMUEL S. HAMILTON.

To Colonel WILLIAM WARD,
Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, May 24, 1831.

SIR: Your letter of the 9th instant, enclosing one from Mr. Burt relative to the certificate for two hundred and five shares of the Seneca stock which was in his possession, was duly received. I have, by the direction of the Secretary of War, enclosed to Mr. Binney, the attorney of the late United States Bank, a copy of Mr. Burt's letter, which it is presumed will be satisfactory as regards the nature of the certificate held by him.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To JUSTUS INGERSOLL,
Superintendent Six Nations, Medina, New York.

WAR DEPARTMENT,

Office Indian Affairs, May 24, 1831.

SIR: I have the honor, by direction of the Secretary of War, to transmit for your information the enclosed copy of a letter recently received from Mr. Ingersoll, superintendent of Indian affairs for the Six Nations of Indians, in New York.

It appears by this letter, that the certificate for two hundred and five shares of Seneca stock, which was in the possession of Mr. Burt, is not the original certificate, the surrender of which is required by the trustees of the late Bank of the United States. It is presumed the explanation given by Mr. Burt as to that fact, will be satisfactory.

I am, very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To HORACE BINNEY, Esq., *Philadelphia.*

WAR DEPARTMENT,

Office Indian Affairs, May 26, 1831.

FRIEND AND BROTHER: The treaty with the Choctaw nation, at Dancing Rabbit creek, the 27th September, 1830, was ratified during the late ses-

sion of Congress, and the enclosed printed copy of the treaty is transmitted, by direction of the Secretary of War, for the information of yourself and the Choctaw people.

Your friend and brother,

SAMUEL S. HAMILTON.

To NETUCHACHE,

a Chief of the Choctaw Nation.

WAR DEPARTMENT,

Office Indian Affairs, May 26, 1831.

SIR: Your letter of the 5th instant to the Secretary of War was duly received.

The Secretary of War has directed me to transmit to you the enclosed copy of the treaty concluded with the Chickasaws, at Franklin, Tennessee, on the 31st August last, and to request you to consider the treaty as confidential, and not to be shown or communicated to any person, except to the chiefs and head-men of the Chickasaw nation, to whom you will explain fully its provisions.

I am, very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To Colonel BENJAMIN REYNOLDS,

Indian Agent, Chickasaw Nation, Tuscumbia, Alabama.

WAR DEPARTMENT,

Office Indian Affairs, May 27, 1831.

SIR: Your letter of the 9th inst. is received. The money has been remitted, as you have been advised, to pay the annuity: you have also been advised that you are at liberty to pay the annuity as you have heretofore done. You have only to forward the receipt of the chiefs as your voucher for the payment of the annuity to them. The department can, of course, have no objection to the chiefs laying out the money for the annuity in goods, or in any other way they may esteem proper, for the advantage of the people of the nation. But it is considered advisable for the agent, (as you well know, from your experience on a former occasion,) not to have any thing to do with the purchase of the goods. If the chiefs purchase the goods, and give an order on you for the annuity, before you make the payment, it would be proper that the order should be receipted by those in whose favor it may be drawn, and also be accompanied by the receipt of the chiefs to you for the money, and a written acknowledgment from them that they had received the goods for their annuity, and are well satisfied with them.

After you have paid over the money, and taken the vouchers required, you have performed your duty. The expense attending the purchase of the goods must of course be paid by the nation. Claims for reservations must be governed entirely by the treaty provision on that subject. A copy of the treaty has been enclosed to you, but, lest that should be lost or mislaid, another is herewith sent.

Copies have also been sent to each of the chiefs, for the information of themselves and their people.

I am, respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To Colonel WILLIAM WARD,

Indian Agent, Choctaw Agency, Mi.

WAR DEPARTMENT,

Office Indian Affairs, May 30, 1831.

SIR: I am directed by the Secretary of War to inform you that it is determined to employ you to manufacture five hundred and fifty rifles for the Choctaws, of which three hundred and fifty are to be finished with flint locks, and two hundred with percussion. It is to be understood that the rifles are to be finished in all respects like, or equal to those you forwarded to the Department of War as a sample of your manufacture, except as to the length of the barrel, which is required to be three feet four inches and a half in the bore. The rifles to be finished and delivered—with ramrod, ball-screw (in lieu of the wiper,) each percussion to have an extra nipple and nipple-screw, moulds, and woollen covers to each, completed for the price of \$12 50 each—to such person as may be authorized to receive, inspect, and prove them, at Philadelphia; and on whose certificate, after proof and inspection, they will be paid for by the department at the price mentioned. It is desirable that the number of rifles of each sort, to be furnished by you, should be commenced and completed as early as practicable. Of the probable time of their completion, you will be pleased to notify the department on the receipt of this.

I am, very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To Mr. HENRY DERINGER,

Rifle-manufacturer, Philadelphia.

WAR DEPARTMENT,

Office Indian Affairs, May 30, 1831.

SIR: I am directed by the Secretary of War to inform you that it is determined to employ you to manufacture (in addition to the one hundred already ordered for the Senecas) four hundred and fifty rifles for the Choctaws, making together five hundred and fifty (550) to be furnished by you; of which, three hundred and fifty, including the one hundred for the Senecas, are to be finished with flint locks, and two hundred with percussion locks. It is to be understood that the rifles are to be finished in all respects like, or equal to those which you forwarded to the Department of War as a sample of your manufacture, except as to the length of the barrel, which is required to be three feet four inches and a half in the bore. The rifles to be finished and delivered—with ramrod, ball-screw, (in lieu of the wiper,) each percussion to have an extra nipple and nipple-screw, moulds, and woollen cover to each, complete, for the price of twelve dollars and fifty cents each—

to such person as may be authorized to receive, and inspect and prove them, at Philadelphia; and on whose certificate, after proof and inspection, they will be paid for by the department at the price mentioned. It is desirable that the number of rifles of each sort to be furnished by you should be commenced and completed as early as practicable. Of the probable time of their completion, you will be pleased to advise the department on the receipt of this.

I am, very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To Mr. GEORGE W. TRYON,

Rifle manufacturer, Philadelphia.

WAR DEPARTMENT,

Office Indian Affairs, May 31, 1831.

SIR: Your letter of the 22d inst., to the Secretary of War, is received. The explanations which it contains in regard to your proceeding are satisfactory. It is due to Mr. Brish, the sub-agent, to say that you are in error in regard to him; he has made no charges against you, nor any communication calculated to affect your standing with the department. It is to be regretted that there is any misunderstanding between you. It should not, however, be permitted to interfere with your public duties during the time you have to act together.

The Senecas, it is presumed, will not remain longer than the present summer in Ohio. After their removal your official connexion will be dissolved, as a matter of course.

I am, very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To Colonel JOHN McELVAIN,

Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, June 1, 1831.

SIR: Your letter of the 22d March, with its enclosures, has been received. It is not seen that any instructions more specific than those already issued, can be given by the department to enable you to wind up the business of your agency, growing out of the execution of the provisions of the late treaty. The further instructions on this subject, which were forwarded to you under date of the 26th March last, it is presumed you have, 'ere this, received. With these additional instructions, and the information you have collected, you will no doubt be able to settle a great portion, if not all, of the outstanding claims. You will accordingly proceed with the settlement of the claims particularly referred to in these additional instructions, and of all others due under the provisions of the treaty, giving to the claimants bills on the department as directed in said instruction, and as you have yourself proposed in the letter to which this is the answer.

In the settlement of the claims, if you find it impracticable to comply strictly with the instructions of the department, you will exercise a sound discretion, and adopt such course for the liquidation thereof as may appear to you to be necessary and proper. The department is very desirous that *all the claims* under the treaty should be satisfied as early as possible, and the occasion for complaints, which the delay to do so has given rise to, thereby be removed. In effecting this object, much depends on you, and the department entertains no doubt that, by a proper exercise of your discretion, in which great confidence is placed, it may be speedily done. Any measures, therefore, you may find it necessary to adopt for this purpose, will be approved by the department, if accompanied by such explanations or information as will enable it to act understandingly upon them. I suggest for your consideration, the probability that Mr. Murray, the clerk of the late agent, could afford you very useful assistance and information in attending to this business. If so, you are at liberty under the letter of the Secretary of War to you of the 30th April, (a copy of which is enclosed) to employ him. A remittance had been made, previous to the receipt of your letter, for the expenses of your agency for the two first quarters of the present year, and for the annuity. Authority having been given to you to draw for funds for the expenses of your agency, and for the annuity for the last year, no remittances for these purposes have been made, lest you might have drawn as directed, and some difficulty be thereby occasioned. If you cannot get money for your drafts on the department, for the amount required for the expenses of your agency and the annuity for the last year, including the annuity of two thousand dollars for three years provided for by the late treaty, (all of which, it is believed, is now due, making six thousand dollars in addition to the annuity due under former treaties,) a remittance will have to be made to you from the Treasury. But as it will probably be necessary for you to send to New Orleans to get the money for the drafts you will receive from the Treasury, it is presumed you will have no difficulty in getting your drafts on the department, for the required amount for the above purpose, cashed at the bank at that place, if forwarded there by the same person who may take on the Treasury drafts. You are therefore again authorized (with a view to save time,) to draw on the department for the funds required for the aforesaid purposes, to wit: the expenses of the agency for the last year, and the annuity due to the Indians for the same under former treaties, and also for the sum of six thousand dollars to pay the annuity due to the Cherokee nation under the late treaty. The draft will be promptly attended to, and paid, when presented at the department. The claims of the Indians for expenses incurred, and losses, &c. in emigrating, will receive due consideration. But it will be necessary, before they can be paid, to get an appropriation for them, unless there should be a sufficient balance remaining of the appropriations already made for the expenses attending their emigration, to pay them, which cannot be ascertained until all such expenses are settled.

It is hoped you will be able to proceed in the execution of your duties without further difficulty. Should there be any thing else required, and you will inform the department thereof, an early answer will be given to your communication.

I am, very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To Capt. GEORGE VASHON,

Indian Agent, Cherokee Nation West.

WAR DEPARTMENT,

Office Indian Affairs, June 1, 1831.

SIR: Your letter of the 28th May, to General Gibson, containing proposals to furnish axes for the Choctaw Indians, has been laid before the Secretary of War.

The Secretary of War directs me to inform you that your proposals are accepted. You will accordingly make five hundred axes, to weigh not less than four pounds each, and to be delivered at Pittsburgh by the 1st September next, at seventeen dollars per dozen; the axes to be paid for on delivery to the person who may be authorized to receive them at Pittsburgh; of which you will be notified in due time.

I am, very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To Mr. JOHN HARRIS,

Sterritt's Gap, Pennsylvania.

WAR DEPARTMENT, *June 1, 1831.*

SIR: Major Haley has written to the President, advising that you should visit the Cherokees, and endeavor to prevail upon them to emigrate west of the Mississippi river. The President requests me to communicate to you the satisfaction it affords him to witness the desire you feel that your neighbors and friends should, by removing, be rendered happy. He would gladly accept the offer made by Major Haley respecting you, if he could persuade himself that the Cherokees on this subject were at all open to reason and conviction. But they are not. They are deceived, greatly deceived, and will discover their error when it may be too late to obtain adequate relief. During the present year, he explained, in person, to a delegation of this tribe, who were on a visit here, his wishes and views as to their true interest; but it produced no effect. They seem obstinately and blindly bent upon pursuing their own course. Under these circumstances, the President does not consider that it comports with the character of the Government to say any thing further to them on the subject, but rather that they should be left to time and their own reflections.

This obstinacy, or rather erroneous reasoning, on the part of the Cherokees, is much to be regretted, and there are none who regrets it more than the President. During our late war, these people proved to be good and faithful soldiers, and fought gallantly with him: it grieves him now to think that a state of things is persisted in by them, which can promise in the end nothing short of distress and misery. The great body of the tribe cannot live under the laws of the white man, and their leaders know it. Collisions must unavoidably arise, and sufferings follow. All this he would avoid, by persuading them to their true interest. But as they will not be persuaded, they must be left to themselves and to their own reflections, undisturbed by any further action on the part of the Executive. If any thing is to be done, they must solicit it.

Your people have acted wisely. I now look forward to the time when the Choctaws, under the kind patronage of the Government, will become a happy and prosperous people. They are relieved from the white man's

law; and for all time, can be rid of the authority and interference of the laws of a State. Hereafter, your people will thank you for the great good your past exertions have obtained for them. You deserve much at their hands; and ere long they will see the benefits resulting from your course, and appreciate it fully.

Should the Cherokees and Creeks, and Chickasaws, remove, matters may be so arranged as to bring the whole of the tribes under one great federative government. Thus united, and the wandering Indians turned to agriculture, with a population of sixty or eighty thousand souls, they cannot fail to become a great and powerful people; and, with a good, well-established government, a prosperous and happy people; and then Congress might be disposed to admit one or more delegates to represent their wants and wishes. As one who knows what is right, you should practice it. The United States might, and I doubt not would be disposed to give you a Territorial Government, and pay all the expenses of a council chosen by the people from amongst themselves. The four nations might rule within their own distinct limits, and through their own chiefs; while a chief chosen to preside over the whole, and a council selected from the whole, might superintend the general interest of all the tribes. Thus organized, a pride of character and of feeling would spring up, civilization would rapidly progress, and wars no more be known amongst them. No tribes of Indians would venture then to molest or disturb a powerful people so organized, who would so thoroughly possess the ability to defend their rights, and maintain them.

It is matter of some concern that the Chickasaws were not able to find a suitable country. If one cannot be found, of course they cannot remove; but, against their wishes and inclinations, will be constrained to remain where they are, under the laws of the State of Mississippi—a matter, on their account, much to be regretted. They and your people are old friends and ancient neighbors: you ought to lend your assistance to take care of them. The Choctaws should invite them to take a portion of their country on the northern boundary; for which they will be able to pay you a fair price from the annuities which are secured to them by the United States. The Government, without which no trade or stipulation between Indians for land could be valid, would readily consent to the arrangement. The Choctaws west of the Mississippi have an extensive country, amounting to at least fifteen or seventeen millions of acres, fully as large, or larger, than the country which both the tribes now occupy on this side of the river. The Chickasaws, so long accustomed to self-control, would dislike to have merged their national name and character. They would prefer their ancient usages and their own self-government; but upon the federative plan I have spoken of, both nations would presently become the same people, and dwell under the same principles of government. The strength of each nation would be greatly increased. Admit them to a part of your territory, the Creeks and Cherokees will ere long follow, and then you may succeed in establishing a government to be entitled “The Indian United Tribes.” This being done, care and good conduct will render you a prosperous and great people.

Every patriot, and every man, should desire to see the Indian name and character preserved and perpetuated; but this cannot be done, except through some rational and inspiring system and rule of government, by which each individual may feel himself to be a component part of it. I

entreat you think seriously of these suggestions, for in them is much of future promise for the red man's happiness.

Your friend and brother,

JOHN H. EATON.

To Col. GREENWOOD LEFLORE.

WAR DEPARTMENT,

Office Indian Affairs, June 4, 1831.

SIR: Your letter of the 24th instant, to the Secretary of War, is received.

The Secretary of War has directed me to authorize you to draw on the department for the sum of \$800, to pay expenses incurred by you in the execution of the duties of your mission; your draft to be made agreeably to the enclosed form, and which, when presented here, will receive prompt attention. You will be charged with the amount as a matter of course, until your vouchers are rendered for settlement.

You were authorized by your instructions to draw for a sum not exceeding \$2,000 to cover necessary expenses, &c. After you have made the draft above authorized, there will remain \$1,200, for which your drafts in similar form, as funds may from time to time be required, can be drawn, and will be accepted and paid.

I am, very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To Col. JAMES B. GARDINER,

Special Agent, &c.

WAR DEPARTMENT, *June 4, 1831.*

DEAR SIR: I beg leave to call your attention to the supplemental article of the treaty, where it is stipulated that the persons there provided for are not to have the benefit of the 19th article of the treaty: they are excluded.

It is so important to be accurately informed of the persons who are entitled to reservations, and the size they shall be, that it is thought best to appoint one other assistant. This will enable you to act with greater rapidity and more accuracy, as well in relation to the reservations as to the number of inhabitants of the country. Archibald Little is directed to report to you.

The whole amount of reservations to the utter extent under the 19th article, cannot exceed 458,000 acres, and, upon close examination, must no doubt fall greatly below this. I mean that the number in each class, as there limited, will not come up to the limit. There cannot be so many cultivators of the soil. But, beside this, all these in the supplement are excluded from the 19th article. The agent though has lately reported that there are already registered claims to very nearly half a million, which shows that frauds are in progress. To guard against them, vigilance by you and your assistants will be necessary.

I have thought it advisable, and suggest it to you, to arrange yourself and assistants, by natural divisions of the country where it is practicable; or otherwise the same farms and the same persons may be twice assessed. It

is a business full of difficulties, many of which we cannot anticipate here; but reliance is had upon the vigilance and good judgment of you and your associates to surmount them.

With great respect,

JOHN H. EATON.

To Major F. W. ARMSTRONG.

WAR DEPARTMENT, *June 4, 1831.*

SIR: The 19th article of the Choctaw treaty makes it necessary that the improvements of the Indians actually in cultivation the last year should be correctly ascertained; and that frauds upon the Government may be prevented, it is material forthwith to enter upon an examination that no culture of the present may be passed off for that of last year.

Major Armstrong, of Alabama, has proceeded on this business; with authority to employ two assistants to aid him. As it is desirable to have the examination thoroughly made, to be ready by the meeting of Congress, it is thought advisable that a fourth be added. It will be agreeable to the President, therefore, that you report to Major Armstrong, who will pass through Nashville on his way to the nation, and who will give you special directions on being shown this letter. Your compensation for this service, which it is hoped will not occupy you more than three or four months, will be \$750.

I send you a copy of the treaty. From Major Armstrong you will obtain a view particularly of the service that is to be performed.

With great respect,

JOHN H. EATON.

To ARCHIBALD LITTLE, Esq.,
Nashville, Tennessee.

DEPARTMENT OF WAR,
Office Indian Affairs, 7th June, 1831.

SIR: Your letters of the 18th May to the Secretary of War have been received.

The Secretary of War directs me to inform you that no good reason appears for changing the order of the 18th June, 1830, for the payment of the annuity; and that you are therefore to pay the annuity as directed by said order, and in no other way. If the Indians will not attend to receive it, after notice to them that you are ready to pay each one his share, you will, of course, retain the money in safety, to be paid to the Indians whenever they may be disposed to call for it, or until you receive further directions from the department on the subject.

The right of white men who are married to Indian women to share in the annuity must depend on the relation in which they are considered as standing to the nation, and the usages of the Cherokees in regard to such people. If these admit of their sharing with the Indians, the department can have no objection to it. The mode of ascertaining the numbers of the nation mentioned by you, is, perhaps, as good as any that can be adopted, without incurring the trouble and expense of a census. It is important, however, that,

on this point, you approach as near correctness as possible, that a just *ratio* of division may be fixed on.

In doing this, you will be governed by the best information within your reach. In regard to intruders, it is not seen, at present, that any measures can be taken that would be more likely to succeed and satisfy the wishes of the Cherokee people on this subject, than those which have been already tried. But the question, as again presented by you, will, no doubt, receive the further consideration of the department; and of whatever course in regard to it may be finally determined on, you will be advised. In the mean time, you will warn the intruders to quit the Indian lands, and do all you can to induce them to do so peaceably, and without delay.

It is hoped they will not be disposed to persist in a course so contrary to the wishes of the Government, and so disreputable to themselves. It is proper to add that, with intruders on the Indian lands within the limits of those States which have assumed jurisdiction over the country, it has been determined (as, I believe, you are already apprised) that the General Government has not the power to interfere, particularly by military force, for their removal.

I am, &c., &c.

SAMUEL S. HAMILTON.

To Colonel HUGH MONTGOMERY,
Cherokee Agent, Calhoun, Tennessee.

DEPARTMENT OF WAR,
Office Indian Affairs, 9th June, 1831.

SIR: I transmit herewith, by direction of the Secretary of War, three grants on parchment, from the President of the United States to the Choctaw nation, for the lands assigned to said nation west of the Mississippi by the late treaty; one for the principal chief of each district of the nation. You will deliver them, accordingly, when you meet the chiefs to pay the annuity, or at any other convenient opportunity.

I am, &c., &c.

SAMUEL S. HAMILTON.

To Colonel WILLIAM WARD,
Choctaw Agent.

Whereas, on the 27th day of September last, a treaty was concluded, at Dancing Rabbit creek, between commissioners duly appointed on the part of the United States and the Choctaw nation of Indians; and the same, having been ratified by the Senate, was officially promulgated on the 24th February, 1831: which treaty, in the second article, stipulates "That the United States, under a grant specially to be made by the President, shall cause to be conveyed to the Choctaw nation a tract of country west of the Mississippi river, in fee simple to them and their descendants, to inure to them while they shall exist as a nation, and live on it; beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas river, running thence to the source of the Canadian fork, if in the limits of the United States, or to those limits; thence due south to Red river, and down Red river to the west boundary of the Territory of Arkansas, thence north, along that line, to the beginning."

Now, in pursuance of said treaty, and of the powers and authority vested in me by an act of Congress approved the 28th of May, 1830, entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the river Mississippi," said country, as is described in the 2d article of said treaty, is hereby granted and assigned to said Choctaw nation of Indians, to the extent, and after the condition of tenure therein declared, and liable to no transfer or alienation except to the United States.

In testimony whereof, and that the same may be carried into effect, I have signed this grant with my own hand, and caused it to be certified under the seal of the War Department, this 26th day of May, 1831, and of the State Department.

ANDREW JACKSON.

By the President:

E. LIVINGSTON, *Secretary of State.*

By the President United States.

JOHN H. EATON, *Secretary of War.*

WAR DEPARTMENT,

Office Indian Affairs, June 11, 1831.

SIR: A communication has been received from a number of citizens of Georgia, addressed to the President of the United States, representing that the Creek Indians are in a most miserable and starving condition, (particularly the lowest class of the Indians,) and requesting the interference of the General Government for their relief.

I am directed by the Secretary of War to request you to report, as early as practicable after the receipt of this, whether the information thus communicated in regard to the condition of the Creeks be correct or not; and also to communicate any other information in your possession on this subject, or in relation to the disposition of the Creeks to exchange lands and move west, where the Government has ample means to provide for them, and where they will be removed from all the evils and calamities incident to their present residence.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Colonel JOHN CROWELL,
Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, June 11, 1831.

SIR: I have received your letter of the 10th April. The commissary's agent, it is expected, will furnish all the emigrant Choctaws as they arrive on their lands west of the Mississippi with rations; and the Secretary of War directs me to repeat to you the instructions of December last, to be careful in keeping a correct register of all the emigrants, and furnishing the commissary's agent with certified rolls on which to make his issues; and also, to co-operate with him in every way in your power in attending to, and supplying the wants of the emigrants, and making them contented and

satisfied with their new homes. The Secretary directs that you fix your residence, for the present, near that of the commissary's agent, which will enable you to consult each other, and act together with greater facility and effect.

The emigration of the Indians under the late treaty will add considerably to your duties, and of course require increased activity and industry on your part to attend to them. The department is very desirous that these additional duties should be promptly and satisfactorily performed. It will therefore be necessary that all your time and best exertions be employed for that purpose; and for which, you will have a just claim on the department to additional compensation for the time you may be so engaged.

You will keep the department constantly informed of all your proceedings, and of the number of the emigrants arriving from time to time on the lands west.

You will be advised soon as to funds for your sub-agency.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To DAVID McCLELLAN, Esq.,

Sub-Agent, &c.

P. S.—A copy of the late treaty with the Choctaws is enclosed.

WAR DEPARTMENT, *June 14, 1831.*

SIR: The following implements of agriculture (and for which you will contract,) are wanted from 1st to the 15th of September next, for the use of the Indians in the present year, viz.

200 hoes, usually termed hilling-hoes, five or six inches wide,

200 weeding hoes, eight or nine inches wide,

100 grubbing hoes, and

500 ploughs with wrought plates, and to be steeled if it be usual to do so, to be complete for use, and not to exceed five or five and a half dollars, as stated in your letter.

The other kind spoken of by you at \$7, will be too heavy. All must be accompanied with the necessary irons for the wood work. The wood work of the ploughs to be made alike that they may fit any or all the ploughs.

The whole of the above articles you will contract to have packed in strong boxes, well hooped, for the purpose of greater security. The articles to be paid for when received by you, and for which you will make a timely requisition on the department.

Respectfully,

JOHN H. EATON.

To Major R. L. BAKER,

Pittsburgh, Pennsylvania.

WAR DEPARTMENT,

Office Indian Affairs, June 16, 1831.

SIR: Your letter of the 20th ult, with the accompanying communication from sundry Choctaw chiefs and warriors, has been received.

I am directed by the Secretary of War to inform you that no sale by Indians entitled to reservations under the late treaty made before the lands are surveyed and located, will be sanctioned by the President, and not then, unless he is satisfied that the Indian has received a fair consideration for his land. I enclose, by direction of the Secretary of War, ten copies of the Choctaw treaty, to be distributed in the several districts of the nation. The number you requested would have been sent, but these are all that could be obtained. The enclosed letters relating to claims of Messrs. Grant and Clermont, and Mr. McCowan, are referred to you to be attended to, with the consent of the chiefs.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Colonel WILLIAM WARD,
Indian Agent, &c.

WAR DEPARTMENT,

Office of Indian Affairs, June 16, 1831.

SIR: Your letter of the 4th instant was duly received. It is desirable to have all the rifles ready by the 1st September next at least. It is presumed you will be able to finish the number to be furnished by you by that time. It would be well, however, to have them completed earlier, if you can. There is some difference in the length of the barrels of the two rifles you forwarded as samples; but the barrels of all those you are to furnish it is desired may be of the same length, that is, three feet four inches and a half *in the bore*, as before stated, exclusive of the space occupied by the breech.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Mr. GEORGE W. TRYON,
Rifle-manufacturer, Philadelphia.

WAR DEPARTMENT, *June 17, 1831.*

SIR: Your letter of the 4th instant, which enclosed a memorial of sundry citizens of Georgia, representing the starving, suffering condition of many of the Indians along the frontier, has been received. The information was referred to the agent, who very shortly will state the facts in detail; when it will become a matter for the consideration of the President, how far it is practicable for the Government to extend relief in such cases. It is a matter for which Congress has made no provision; and, although a general superintending control is had and exercised towards this race of people, it is questionable if it will be consented that they shall be maintained, at the expense of the country, in their idle, wandering habits. In our country are very many poor and suffering people; and yet for these Congress have not legislated, or, at any time, attempted to prescribe any general plan of relief; nor is it presumable that the people would consent to any such legislation, the tendency of which would be to foster idleness and dissatisfaction. The Indians cannot be placed on more favorable grounds than the white citizens, even should it be conceded that Congress have the power to legislate on such a subject.

The picture which this race of wretched beings presents is a melancholy

one indeed. An extensive forest country has, heretofore, enabled them to live by the chase; but a reduction of their limits, and a consequent reduction in the quantity of their game, have introduced their present embarrassments. They perceive now the necessity of placing their dependance on the soil instead of the chase. But old habits are ever difficult of change, and hence they cannot at once engage in agriculture, although necessity strongly advises it. Some, who are more thoughtful, have turned to the cultivation of the land, and these are rendered comfortable; but a much larger number have continued their hunting course until the game is exhausted, and suffering is the consequence.

To relieve them from this state of things, persuasion, argument, and entreaty have been employed. A country more fertile than the one occupied within the State, and of preferable climate, has been pointed out. Offers to remove them there, free of expense, and liberally to support them until their crops could be grown, have been held out as inducements to their going. The wandering Indians, unpractised in labor, and hence unwilling to resort to it, could find in these regions game to subsist on, until, through force of beneficial examples placed before them, they might gradually be brought to yield that precarious dependance for support to seek a more stable and beneficial one. But let a practice obtain for them, that, whenever hungry, the Government will interpose, and then, resting upon that expectation, they will make no exertions for their own relief.

The present adopted mode for removing the Indians is preferable much to any heretofore attempted, both as it concerns the Indians and the Government. Confidential officers of the Commissariat Department have now this business confided to them, who at suitable points are constructing depots to contain the necessary supplies; and who, having no interest to be affected under the head of profits, always so seductive under contracts, are better enabled to extend care, and attention, and kindness, to the emigrants; matters which are every way worthy to be regarded, if we would encourage the Indians to remove. The former plan of collecting and registering those people, as they were found willing to remove, produced a cost to the Government double what it will be upon our present mode; and in the whole number to be removed, say 50,000 persons, will occasion a saving to the Government of nearly a million of dollars, so far as an opinion can be formed from the partial experiments already made.

Very respectfully,
JOHN H. EATON.

To his Excellency GEORGE R. GILMER,
Governor of Georgia.

WAR DEPARTMENT,
Office of Indian Affairs, June 17, 1831.

Sir: I have the honor, by direction of the Secretary of War, to acknowledge the receipt of your letter of the 15th instant, and to inform you that the department is unable to furnish you with the survey of the "Indian boundary line between the Tippecanoe and Vermillion rivers, as established by the first article of the treaty concluded with the Pottawatamies at St. Mary's, on the 2d October, 1818," there being no such survey on the files

of the department. Nor does it appear, by the records of this office, that any order was ever given by the department for such survey to be made.

Very respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To the Honorable ELIJAH HAYWARD,

Commissioner of the General Land Office.

WAR DEPARTMENT,

Office of Indian Affairs, June 20, 1831.

SIR: Your letter of the 30th ultimo to the Secretary of War is received, and with it an account for outfit and expenses of the delegation sent by the Choctaws last fall, under your charge, to examine their new country west.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To GEORGE S. GAINES, Esq.,

Demopolis, Alabama.

WAR DEPARTMENT,

Office of Indian Affairs, June 21, 1831.

SIR: The bill of exchange drawn by you in favor of Henry S. Cox, Esq., for \$33,720, advised in your letter of the 6th instant, has been presented at this department, and ordered to be paid.

Very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To General WILLIAM CLARK,

Superintendent of Indian Affairs, &c.

WAR DEPARTMENT,

Office Indian Affairs, June 24, 1831.

SIR: Your letter of the 12th instant, with the address of the Seneca chiefs, is received.

I have submitted the request of the Seneca chiefs to be paid the sum of \$6,000, stipulated for by the treaty before their removal, to the Secretary of War, who has assented to it. You will therefore draw on the department for that amount, stating on the face of the bill the object for which the money is required. You will be pleased to advise the department of your draft as soon as it is drawn, that it may be prepared to act upon it when presented for payment. In the disbursement of this money, it is necessary that great care be taken so to do it as to satisfy the Indians, and to do justice to all concerned. You will, of course, be particular in attending to this, and also to taking the proper vouchers for settlement.

The measures proper to be adopted for the removal of the Senecas, are necessarily left pretty much to your discretion. They should, however,

be made on the most economical terms that a due regard for the convenience and comfort of the Indians on their journey will admit of.

Whatever arrangements you may consider it best to adopt for this purpose you will report to the department, accompanied by an estimate of the expense, for its consideration and directions, before any final movement is made. For this it is presumed there will be sufficient time, as the Indians have fixed on the latter part of August as the time of their removal.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Col. JOHN McELVAIN,

Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, June 29, 1831.

Your letter of the 7th instant, to the Secretary of War, was duly received.

I have submitted your letter to the acting Secretary of War, and he does not consider it advisable to authorize a departure from the order of 18th June, 1830, in relation to the payment of the annuity. You will therefore comply with the order, if it be practicable, and will not much increase the expense of distributing the annuity. Should you find it impracticable to do so without a considerable delay and increase of expense, (which it is desirable to avoid,) you can exercise your discretion; and if the annuity be paid so as to give general satisfaction to the people of the Creek nation, the department will, I have no doubt, approve the mode that may, under these circumstances, be adopted by you for that purpose, if the reasons which governed you in adopting it be properly explained.

The claims to which you refer, it is believed, have not been before the department, and allowed under the act of 1802: the department cannot, therefore, interfere in their payment. It is a matter entirely for the Indians' own consideration and arrangement. After they have passed their receipt to you for the annuity, (stating on the face thereof that it has been paid in a way satisfactory to them,) to be forwarded with your accounts, as the voucher that the same has been paid by you as the agent of the Government, the department can have no objection to their applying the money (or you for them at their special request) to the payment of such claims, or in any other way they may think proper.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Col. JOHN CROWELL, *Indian Agent, &c.*

WAR DEPARTMENT,

Office Indian Affairs, June 30, 1831.

SIR: I am directed to acknowledge the receipt of your letter of the 23d instant, and to inform you that the mode of transporting the ploughs which you suggest is approved. They will therefore be received and inspected at Pittsburgh before transportation.

I am, respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To Major R. L. BAKER,

Pittsburgh, Pennsylvania.

WAR DEPARTMENT,
Office Indian Affairs, July 5, 1831.

GENTLEMEN: Your letter of the 2d ultimo was duly received. The instructions to Colonel Ward, in relation to the purchase of goods for the Choctaw annuity, were not intended to forbid him paying for the goods if they were ordered by the Indians, but to prevent him from being himself concerned in the purchase. There can be no objection to his carrying into effect the arrangements made by the Indians with you for the goods, provided they are satisfied with them, and he produces the proper voucher, from the Indians, for the payment by him, as the agent of the Government, of the annuity money.

I am, very respectfully, &c., &c.,

SAML. S. HAMILTON.

To Messrs. GEORGE S. GAINES and Co.,
Demopolis, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, July 6, 1831.

SIR: Not having heard any thing from you in answer to my letter in relation to the 550 rifles to be furnished by you for the Choctaws, I have to ask the favor of you to state whether the rifles have been commenced, and at what time they will, probably, be ready for delivery. It is desirable to have them completed by the 1st September, at farthest.

I am, very respectfully, &c., &c.,

SAML. S. HAMILTON.

To Mr. H. DERINGER,
Rifle-manufacturer, Philadelphia.

WAR DEPARTMENT,
Office Indian Affairs, July 13, 1831.

SIR: Your letter of the 8th instant was duly received. The rifles to be furnished by you, it was understood, were to be finished, in every respect, like those forwarded by you to the department as a sample, except as to the length of the barrel, which you have been informed is required to be 3 feet $4\frac{1}{2}$ inches in the bore; and you will accordingly so furnish them.

I am, very respectfully, &c., &c.,

SAML. S. HAMILTON.

To Mr. GEO. W. TRYON,
Rifle-manufacturer, Philadelphia.

WAR DEPARTMENT, July 14, 1831.

SIR: I have to inform you that you are hereby appointed, by direction of the President of the United States, special agent under the 16th article of the treaty of the 27th September, 1830, with the Choctaw nation of Indians, to value the cattle of said Indians as stipulated for by said article, (a

copy of which is enclosed,) and dispose of them at public sale for the benefit of the United States.

In the event of your acceptance of this appointment you will proceed, with as little delay as possible, into the Choctaw nation; and after consulting with the agent, and receiving from him such information as he may be able to give in relation to the duties assigned you, you will notify the Indians of the time at which you will commence the valuation, in order that they may collect their cattle and have them in readiness against your arrival at their respective farms or places of residence. And that all persons desirous of purchasing the cattle may have an opportunity of doing so, you will give public notice in the nation and neighboring county, (by advertisement in the newspapers, or otherwise,) that the same will be sold at public sale, for cash, *immediately after the valuation*, in every case, for the benefit of the United States. It is necessary that the sales be made in this way, to prevent a total loss on the cattle to the United States, which, it is probable, would be the case if they are left in the hands of the Indians after the valuation. Your attention, therefore, is particularly called to this part of your duty, that the loss to the Government may be as little as it is practicable to make it.

You will keep a register showing the names of the Indians whose cattle you may value and dispose of as above directed, and the number and kind of cattle belonging to them respectively, as well as the value thereof; and designating those who may desire to be paid in money, and those who may desire to be furnished with other cattle after their arrival at their new homes, that the wishes of all parties upon the subject may be satisfied. Showing, also, the names of the persons who may purchase cattle at the sales, and the price paid for them. You will be very particular in keeping the register, and will make, opposite to every case, such remarks as may be necessary to a proper understanding thereof. When you have completed the valuation and sales of the cattle, you will transmit a copy of the register, duly certified by you, to the Department of War for its information; on the receipt of which, directions will be given to you as to the disposition of the proceeds of the sales of the cattle, for which you will, in the mean time, be held accountable.

It is important that you enter upon your duties immediately, that they may be completed before the fall, if practicable.

Such of the Indians as may not desire to have their cattle valued, but prefer taking them over the Mississippi, will be furnished with assistance, if necessary, in driving them.

You will be allowed a compensation of one thousand dollars for your services in performing the duty hereby assigned you, which will be paid after you have completed the business and made your report, accompanied by the original register.

I am, very respectfully,

Your most obedient servant,

P. G. RANDOLPH,

Acting Secretary of War.

To WILLIAM DOUGLASS, Esq.,
Louisville, Kentucky.

WAR DEPARTMENT,

Office Indian Affairs, July 16, 1831.

SIR: William Douglass, esquire, of Louisville, Kentucky, has been appointed by the President of the United States special agent to value the cattle of the Choctaws, agreeably to the 16th article of the late treaty, and dispose of the same for the benefit of the United States. A copy of his instructions is enclosed for your information. You are requested to afford him all the assistance and information you can in the performance of the duty assigned him.

Mr. Douglass is now at Post Arkansas in the Arkansas Territory, but it is presumed he will repair to the Choctaw Agency immediately after the receipt of the appointment and instructions which have been forwarded to him.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To Colonel WILLIAM WARD,
Choctaw Agent.

WAR DEPARTMENT,

Office Indian Affairs, July 19, 1831.

SIR: I am directed, by the acting Secretary of War, to request you to inform the department which route will be preferred in moving west; that is to say: whether it will be more agreeable and convenient for the emigrants to go in steamboats from the mouth of the Yazoo to old Post Arkansas, or to cross the river at St. Helena as recommended by George S. Gaines, and take wagons from thence. It is very desirable to receive the information on these points as early as possible, that, if it be preferred to take steamboats from the mouth of the Yazoo, measures may be adopted to have the boats ready in time.

You will therefore be pleased to answer this communication immediately on the receipt of it.

SAMUEL S. HAMILTON.

To Col. GREENWOOD LEFLORE,
a Choctaw Chief.

WAR DEPARTMENT,

Office Indian Affairs, July 25, 1831.

SIR: Your letter of the 7th instant, reporting the causes of the distressed condition of the Creek Indians, is received.

I have submitted it to the acting Secretary of War, and received his directions to inform you, that it is the wish of the President that the policy adopted with regard to the Creek Indians, and communicated to you in the letter of the Secretary of War of the 4th June, 1830, should be strictly adhered to: that the President regrets the misery they are suffering from the want of provisions, and that he would most cheerfully afford them relief, but there are no funds at his disposal that can be applied, where they are,

for such an object; and that, under these circumstances, the only remedy that appears to be left for them is to be found in the application of a portion of their annuity, which is now in your hands, for that purpose.

I am, very respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To Col. JOHN CROWELL,

Indian Agent.

WAR DEPARTMENT,

Office Indian Affairs, July 26, 1831.

SIR: I have to request you will report the place to which you wish to have the one hundred rifles for the Senecas forwarded, that orders may be given for them to be forwarded to you accordingly, as soon as they are finished.

I am, very respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To Col. JOHN McELVAIN,

Indian Agent, Columbus, Ohio.

WAR DEPARTMENT,

Office Indian Affairs, July 28, 1831.

SIR: I have received your letter of the 2d June, and am directed to inform you that special authority cannot be given you to locate the reservations to which you refer. The treaty provides for the location of these and other reservations, under the directions of the President of the United States, and due care will be taken that a suitable location is made by the agent who may be appointed by the President to perform that duty.

I am, very respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To JAMES L. McDONALD, Esq.,

of the Choctaw Nation.

WAR DEPARTMENT,

Office Indian Affairs, July 28, 1831.

SIR: It being the wish of the Secretary of War that the rifles which Mr. Deringer and Mr. Tryon, of Philadelphia, have engaged to furnish for the Indians, should be inspected and transported under the directions of your department, I have the honor, herewith, to enclose for your information, copies of the orders to these gentlemen for the rifles, accompanied by the two sample rifles forwarded by each of them respectively. The one thousand rifles for the Choctaws, (of which Mr. Deringer is to furnish five hundred and fifty, and Mr. Tryon four hundred and fifty,) are to be transported to Memphis, Mississippi, to the care of Colonel William Ward, agent for the Choctaw Indians: and the one hundred for the Senecas, to be furnished by Mr.

Tryon, are to be transported to such point as may be designated by Colonel John McElvain, Indian agent at Columbus, Ohio. Colonel McElvain has been requested to designate the place, of which you will be notified as soon as his answer is received.

The expense attending the inspection and transportation of the rifles will be paid by the Indian Department.

I am, very respectfully, &c., &c.,
SAMUEL S. HAMILTON.

To Col. GEORGE BOMFORD,
of the Ordnance Department.

WAR DEPARTMENT,
Office Indian Affairs, August 1, 1831.

SIR: The claims for ferriages, enclosed in your letter of the 9th ultimo, have been referred to Colonel Ward, with directions to settle them.

I will thank you to state to what point the rifles for the emigrants had best be transported; and whether it would be preferable for the emigrants to receive them after their arrival at their new residence west?

I am, very respectfully, sir,
Your obedient servant,
SAMUEL S. HAMILTON.

To Major F. W. ARMSTRONG,
Rankin, Mississippi.

WAR DEPARTMENT,
Office Indian Affairs, August 1, 1831.

SIR: The enclosed accounts for ferriages of emigrants from the Choctaw nation have been forwarded to the department by Major Armstrong. You are requested to examine these accounts; and, if found to be just, you will settle them, and draw on the department for the amount, stating on the face of the bill the object for which it is drawn. It is proper to observe that all expenses of this kind should, in future, be paid by the person employed by the Government to attend to the emigration of the Choctaws, and you will so inform Colonel Leflore.

Should the accounts, now enclosed, be paid by you, they will be returned, properly receipted, as your vouchers.

I am, very respectfully, &c., &c.,
SAMUEL S. HAMILTON.

To Col. WILLIAM WARD,
Choctaw Agent, &c.

WAR DEPARTMENT,
Office Indian Affairs, August 1, 1831.

SIR: I transmit the enclosed letter from William Walker and John Lewis relative to salary due to them as interpreter and blacksmith. You

will settle these claims; and, if justly due, you will draw on the department for that part of the claims which is due for 1829. That part due for 1831, you will pay from the funds remitted to you, through Governor Cass, for the expenses of your agency for the two first quarters of the present year.

I am, very respectfully, &c., &c.,

SAML. S. HAMILTON.

To Col. JOHN McELVAIN,
Indian Agent.

P. S. I will forward the map asked for in your letter of the 17th ultimo, as soon as it is prepared by the Topographical Bureau. In the mean time, I suggest that, by a correspondence with General Wm. Clark, superintendent of Indian affairs at St. Louis, Missouri, you can no doubt obtain more satisfactory information as to the lands to be occupied by the Senecas, and to the best route for them to travel from their present residence to these lands, than from any other source.

S. S. H.

WAR DEPARTMENT,

Office Indian Affairs, August 1, 1831.

SIR: I have just received the enclosed map from the Topographical Bureau, and herewith forward it, agreeably to your request. By reference to the Seneca treaty, you will readily discover on the map the lands assigned to them, and on which I have written the word "Senecas" with a lead pencil.

I am, very respectfully, &c., &c.,

SAML. S. HAMILTON.

To Col. JOHN McELVAIN,
Indian Agent, Columbus, Ohio.

WAR DEPARTMENT,

Office Indian Affairs, August 2, 1831.

GENTLEMEN: Agreeably to the request contained in your letter of the 7th May last, I herewith transmit an extract from the supplement to the late Choctaw treaty, in which a reservation of two sections of land is made, to be sold for the payment of certain debts due by individuals of the Choctaw nation to you. The provision made by the treaty cannot be considered as a complete discharge of the debtors from their obligations to you, unless the lands should sell for a sum equal to that due.

When the reservations set apart for the payment of your debt are located, the permission of the President to sell the same will be forwarded.

Your letter having been accidentally put away with some papers not requiring immediate attention, is the reason why it has remained unanswered until now. It is hoped no inconvenience has been occasioned by the delay.

I am, very respectfully, &c., &c.,

SAML. S. HAMILTON

To Messrs. GLOVER and GAINES,
Demopolis, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, August 3, 1831.

SIR: I have examined the files of this office, and have not been able to find the plat and certificate given to Yonak, or Big Bear, for his reservation: of course I am unable to send you a copy, as requested in your letter of the 30th June, which would otherwise have been most cheerfully furnished.

A duplicate of the plat and certificate was no doubt furnished the Big Bear; and a third copy, it is presumed, was filed at the agency. Perhaps you can obtain a copy that will answer your purpose, by an application to one of these sources.

The agent has reported up your account for fees; but, before its arrival, the sum appropriated for arrearages had all been applied in the settlement of accounts. The claim will therefore have to lay over until the next session of Congress, unless it can be paid from some other appropriation; for which purpose it will be submitted to the new Secretary of War, when he arrives. He is expected in a few days.

I am, very respectfully, &c., &c.,

SAML. S. HAMILTON.

To WM. ROANE, Esq., *Morgantown, N. C.*

WAR DEPARTMENT,
Office Indian Affairs, August 3, 1831.

SIR: Your letter of the 20th ultimo is received. It is probable, before the next payment for the annuity is made, some alteration in the present regulation on the subject will be made. In the mean time, this regulation should be conformed to as nearly as it is practicable. Should it be necessary to deviate in any respect therefrom, and the reasons for such deviation are properly explained to the department, it will no doubt be approved.

The deficiency for 1829, not provided for in the Seneca bill passed at the last session of Congress, will require an appropriation to be made to supply it at the next session of Congress; and I am at present unable to say whether the amount can be remitted to you before such appropriation is made, or not. I will lay the subject before the Secretary of War; and, if the funds of the department will admit of it, I have no doubt he will order the remittance to be made.

I am, very respectfully, &c., &c.,

SAML. S. HAMILTON.

JUSTUS INGERSOLL, Esq.,

Sup. Ind. Affairs, Medina, N. Y.

DEPARTMENT OF WAR,
Office Indian Affairs, 4th August, 1831.

SIR: Your letter of the 15th ult. has been received. The teachers to be employed under the late treaty with the Choctaws, for the education of their children, will not be engaged until after the removal of the Indians west of the Mississippi. When the time arrives for the employment of these teach-

ers, application for such employment should be made through the agent who may be appointed for the Choctaws west.

I am, very respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To Mr. JOSIAH A. PATRICK,
Clinton, Mississippi.

DEPARTMENT OF WAR,

Office Indian Affairs, 9th August, 1831.

SIR: I am directed by the Secretary of War (Gov. Cass) to request you to inform the department, immediately on the receipt of this, whether any arrangements have been made for the survey of the lines required to be run and marked by the treaty concluded at Prairie du Chien the 15th July, 1830, with the Sacs and Foxes, &c., &c. If the arrangements for the survey, or any engagements in reference thereto, have been made, the department does not wish to interfere; but if they have not, it is desired that the matter may be left open to be acted upon by the department.

I am, very respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To General WILLIAM CLARK,
Sup. Indian Affairs, St. Louis, Missouri.

DEPARTMENT OF WAR,

Office Indian Affairs, August 10, 1831.

SIR: I have submitted Mr. Duchoquet's papers to the Secretary of War, and he says that nothing can be done by the department for him; that he can lay the grant he possesses before the chiefs, and that, if they will confirm it in the new treaty which they are about to make, the department will have no objection to it. On referring to the treaty of Fort Meigs, it does not appear that any grant was made to him by that treaty; and the Secretary of War (who was one of the commissioners employed in negotiating the treaty) thinks none was made, particularly under an Indian name as stated.

I make this communication, agreeably to your request, to enable you to answer Mr. Duchoquet's friend, Mr. Johnson. The papers are returned.

Very respectfully, &c.

SAMUEL S. HAMILTON.

To PETER G. WASHINGTON, Esq.

DEPARTMENT OF WAR,

Office of Indian Affairs, 10th August, 1831.

SIR: I herewith transmit, by direction of the Secretary of War, the accompanying memorial of Zadoc Martin and Alphonso Wetmore, soliciting a lease of a site on the lands assigned to certain Indians by the late treaty of Prairie du Chien for hunting, &c., for the purpose of erecting thereon a saw

and corn-mill, and request your report on the application as early as practicable.

I am, very respectfully, &c.,

SAMUEL S. HAMILTON.

To General WILLIAM CLARK,

Sup. Indian Affairs, St. Louis, Missouri.

DEPARTMENT OF WAR, *August 12th, 1831.*

SIR: Your letter to this department of June 21st, together with the communications accompanying it, was received in the due course of mail. Your letter to the President, of the day preceding, was also received by him, and I presume the President's answer has, ere now, reached you. In that answer his views were fully made known; and, in conformity with them, he gave directions that the necessary instructions should be issued by this department to carry into effect the plan proposed by you and approved by him. Until yesterday he supposed this had been done. It was then, however, ascertained that the subject had been inadvertently lost sight of, and that the requisite instructions had not been issued. This duty has now been performed, and I have the honor to transmit you the copy of a letter this day addressed to Mr. Montgomery, the Cherokee agent. I sincerely trust that the measure will be followed by all the advantages you anticipate from it, and that it will hasten the removal of the Indians, and in the least exceptionable mode; by the free choice of every individual, looking to his own circumstances, and to those of the tribe, and uninfluenced by the threats and persuasions of others. This event is not more loudly called for by the Government and people of Georgia, than it is, in the President's opinion, by every consideration connected with the prosperity, if not with the existence, of the Cherokees themselves.

With great respect, sir,

I have the honor to be,

Your obedient servant,

LEWIS CASS

His Excellency GEO. R. GILMER,

Governor of Georgia.

DEPARTMENT OF WAR,

Office Indian Affairs, August 13, 1831

SIR: In a letter of 2d June last, subscribed by the chiefs and second chiefs of the Cherokees, they mention "troubles and grievances which rest upon and make them unhappy."

You will be pleased to communicate to them that the President regrets they are laboring under those difficulties; and that he is, and always will be, anxious to prevent or remove their sufferings; that they must not forget that what he promises he always performs.

You will be pleased to assure them that the assistance which they ask in relation to "blacksmiths, wheelwrights, and cards," will be granted; and that

the allowance for these objects will be remitted with the next half-yearly payment.

Your humble servant,
ELBERT HERRING.

Captain GEO. VASHON.

WAR DEPARTMENT,
Office Indian Affairs, August 13, 1831.

SIR: Yours of the first instant was duly received. The Secretary of War has desired me to inform you that you are authorized to draw on this department for one thousand dollars to defray your expenses incurred in the discharge of your duties as surveyor, &c.

Your humble servant,
ELBERT HERRING.

Mr. ISAAC MCCOY.

WAR DEPARTMENT,
Office Indian Affairs, August 13, 1831.

SIR: In your letter of 29th ult., you ask whether if any of the land reserved by the last treaty with the Choctaw tribe of Indians should be sold, the President would give his consent? and whether, if sold, it must not be sold to the United States? The words of the treaty applicable to your questions, are, "the several reservations secured under this article may be sold, with the consent of the President of the United States."

A fair sale of land, that is, a voluntary transfer of it for an adequate consideration, would be sanctioned by the President, and receive his consent. Under the treaty, a discretionary power is vested in the President, and it is not to be presumed that he would exercise it capriciously.

There is nothing in the treaty countenancing the idea that the sale must be made to the United States.

Your humble servant,
ELBERT HERRING.

Mr. JAMES PAUL.

WAR DEPARTMENT, *August 13, 1831.*

SIR: The Governor of Georgia has suggested to the President that, under existing circumstances, the best method of carrying into effect the views of the Government in relation to the emigration of the Cherokees, would be, to receive the application of families and individuals, and from time to time to provide for their removal. Although in the ultimate effects of such a measure, the President foresees consequences which may possibly retard the movement of the tribes, still such is his anxiety to bring to a close this important matter that he is willing to make the proposed experiment.

You will therefore prepare enrolment lists, in which you will enter the names and places of residence of all persons proposing to emigrate. You will cause the necessary notice of this arrangement to be given throughout the tribe, and you will aid its progress by such explanations and representa-

tions as may be correct in themselves, and naturally grow out of the subject. Anxious as the President is for their removal, he is not less anxious that the object should be effected in a spirit of conciliation on our part, and of just confidence on theirs. You can promise a rifle to each emigrating warrior, and provisions for the subsistence of the whole party for one year. You can also assure them that the amount of all improvements, which add real value to the land they leave, shall be assessed and paid previously to their departure.

You will report weekly to this department the progress of this affair; the number enrolled; the effect of the measure upon the nation; and the prospect of its success. To prevent an accumulation of expenses out of proportion to the object itself, this department will determine when a sufficient number is enrolled to justify their removal, and will instruct you accordingly. In the mean time, let those who propose to remove hold themselves in readiness for their departure at a very short notice.

The wishes of the Government upon this subject have been so often communicated to the Cherokees, that it is scarcely necessary again to renew the topic. You can assure them, however, that the President's views are unchanged, and that he is every day more and more impressed with the conviction that their removal to the country beyond the Mississippi is the only remedy for the difficulties which embarrass them. Their present position is perplexing to them and unpleasant to us—nor, if it be retained, does the future hold out any promise of improvement. Their discreet men must be sensible that the pretensions they have advanced have led to a state of things which all their sincere friends must deprecate.

The President is most anxious that they should maturely consider their situation, and embrace that alternative which offers them a permanent country, the enjoyment of their own laws and institutions, and security and prosperity both immediate and remote, which will place them in a position where the aid and protection of the United States can be extended to them without any conflicting principles or interests arising from their peculiar condition, or from the nature of our Government.

Very respectfully, &c., &c.,

LEWIS CASS.

To Colonel HUGH MONTGOMERY,
Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, August 15, 1831.

SIR: Yours of 1st instant has been duly received. The rifles for the Seneca Indians will, agreeably to your request, be forwarded to Cincinnati, to the care of Macalister, jr. & Co., of that place.

As to the mode of removing the Senecas to their contemplated home, the only instruction to be given to you by this department is, that, in effecting their removal, you will exercise sound discretion. You will ascertain the most judicious route, and adopt the best conveyance for them; studying their comfort and convenience, and at the same time not losing sight of proper economy.

For the necessary expenses of effecting their removal, you are authorized to draw upon this department.

Your humble servant,
ELBERT HERRING.

To Colonel JOHN McELVAIN,
Indian Agent, &c.

WAR DEPARTMENT,
Office Indian Affairs, August 15, 1831.

SIR: Yours of the 10th inst. has been received. In reply to your question, as to the disposition of the five hundred ploughs, intended for the use of the Indians, you will be pleased to forward them to Capt. David McClellan, sub-agent for the Choctaws west, Fort Smith, Arkansas.

Your humble servant,
ELBERT HERRING.

Major R. L. BAKER, *Pittsburgh, Pa.*

WAR DEPARTMENT,
Office Indian Affairs, August 19, 1831.

SIR: Your letter of 24th ultimo, and the treaty concluded on the 20th ultimo with the mixed band of Seneca and Shawnee Indians at Lewistown, have been duly received. Your subsequent letter of 11th instant, giving information of having concluded another treaty with the Shawnees, has also been received.

It is matter of gratification to this department that you have discharged, with so much promptness and ability, the duties committed to your charge.

Your drafts will be paid on presentment. Let your vouchers have witnesses if practicable, and, if not, add your certificate, on honor, as to the correctness of your account.

With much respect,
Your humble servant,
E. HERRING.

Colonel JAMES B. GARDINER.

WAR DEPARTMENT,
Office Indian Affairs, August 20, 1831.

SIR: In reply to your letter of the 18th inst., this day received, it is only necessary to observe, that the rifles referred to need no alteration. They are of proper dimensions as to length of barrel and size of bore.

The wrench, if it be a necessary or proper accompaniment of the rifle, must always be provided, and you do right to forward a thousand caps with every percussion rifle.

Your humble servant,
ELBERT HERRING.

Mr. HENRY DERINGER.

WAR DEPARTMENT, *August 25, 1831.*

SIR: Information of the recent massacre of the Menomonomies at Prairie du Chien, by a party of the Foxes, has reached this department. The circumstances attending this outrage are of such a character as, in the opinion of the President, to require the surrender of the principal persons concerned in the aggression. Our neutrality has been violated, and solemn treaty stipulations disregarded. The Menomonomies for some years have evinced a sincere attachment to the United States, and there is no doubt but the proofs of this feeling have provoked the hatred of some of the other tribes. If this heavy misfortune, which has befallen them while encamped almost under the guns of Fort Crawford, and within the village of Prairie du Chien, relying upon our protection, should be unnoticed, they would place as little confidence in our friendship as in our justice. The example, too, would be productive of the worst effects, and we should soon see a border warfare, from which our own citizens would not long be exempted.

General Atkinson has been instructed to confer with you upon this subject, and you will, in co-operation with him, take such measures as will enable you to carry into effect the views of the department. You will cause the principal Fox chiefs, and also the chiefs of any other tribe whose warriors may have been concerned in the aggression, to be summoned to Prairie du Chien or Rock Island, as may be most convenient; and you will instruct the proper agent to express to them the indignation felt by the President at this wanton violation of their promises and our rights, and his fixed determination to cause to be apprehended the principal persons concerned in it. A formal demand should be made of the delivery of these persons, enforced by those obvious topics resulting from the situation of the Indians, and the duties which humanity and treaty stipulations impose upon us. I am well aware of the inefficiency of Indian government, and therefore it would be expedient, if a real desire be evinced to comply with our request, and hostages, as a proof of their sincerity, are offered, to allow a reasonable time for the adoption of measures, in their own way, for the apprehension and delivery of these offenders. This is frequently effected by a voluntary offer, on the part of those demanded, to surrender themselves to prevent any injury to their friends.

If such a number of the principal persons can be arrested, as will be sufficient for the purpose of example, you will express to the proper tribes the gratification of the President at the result, and you will cause the prisoners to be delivered to the civil authority at Prairie du Chien, and such measures to be taken for their trial as may be necessary.

Should every effort short of hostile measures be insufficient to obtain the object, you will report to this department the proceedings and result, as this mode of procedure is rendered necessary by the intercourse act of 1802. The President will then, under that act, and under the stipulation of the treaty of Prairie du Chien of 1825, direct the measures which shall be finally taken.

If, in the meantime, however, after the unsuccessful dissolution of the council, and the return of the chiefs, it should be found practicable, at Prairie du Chien or Rock Island, to apprehend a few of the principal men of either of the offending tribes, without direct hostilities and without the violation of any good faith on our part, I would suggest the expediency of such a measure; unless there are circumstances forbidding it, arising out of our

peculiar relations in that quarter, of which you can best judge. It strikes me that it might be productive of beneficial consequences. It might save the Indians from the calamities, and us from the inconvenience, of a war. The effect of this measure has usually been to create a public feeling in the tribe favorable to the hostages, and adverse to those implicated in the obnoxious affair; and thus a surrender has been induced by that regard to the opinion of others, which is a striking characteristic of Indian life. It is scarcely necessary to say, that their hostages, if taken, should be treated with much care, and their situation be made as comfortable as possible.

Their tribes should also be informed, without delay, of the object of the measure. But this part of the subject is referred to your own discretion, and to that of General Atkinson; and, I add, with much truth, that I have full confidence in the judgment and discretion of both.

I wish you would also direct the agent at Prairie du Chien, to say to the Menomonies, that the President has heard with deep regret of the loss of their friends; that he has directed such proceedings upon this occasion, as will lead to the surrender and trial of the offenders; that he considers the Menomonies as his friends, and holds them by the hand; and that he is the great father of all the tribe, and will see justice done to all. Let the Menomonies understand, that they must leave this affair to him; that the aggression was committed upon his land and in sight of his flag, and that he will avenge it. I think it would be well to make a small present to the immediate relatives of the murdered persons, to dry up their tears in the Indian manner.

The occasion is a proper one for impressing upon all our frontier officers the necessity of observing, vigilantly, the conduct of the Indians, and of preventing, as far as possible, these perpetual conflicts. Certainly, this unhappy race has miseries enough to endure, both physical and moral, without adding to those the calamities of a war without object and without end. There is unfortunately in their institutions a ceaseless impulse towards hostilities. This results from the honorable distinctions which successful warfare can alone confer, and from the little regard which is paid to a young man, until he has been present at the death of an enemy. War parties, when once on the march, cannot return without reproach unless they bring the trophies of their courage. If, therefore, the enemies they seek cannot be found, they strike wherever they meet victims, white or red. In this way many of our citizens have been murdered, and these border contests will continue to expose us to the same evil till we interpose effectually to stop them.

I am well aware of the practical difficulty which presents itself in the consideration of this subject. A party of Indians commit an outrage, and disappear. The force at our disposal is not of a description to follow them with any hope of success, into the immense plains which offer them shelter and subsistence. Had we mounted men stationed at proper points upon the frontier, ready at all times for active service, who could intercept an advancing party or overtake a retiring one, we should be able to repress entirely this reckless spirit.

One example, and a continued state of preparation, would be sufficient to secure permanent peace upon the frontiers, and would lead eventually to an entire change in the international policy of the Indians. A change not less desirable for them than consolatory to all, who are interested in their improvement and fate.

You will please to impress upon all the agents the expectation of the Government, that they will use their efforts to put an end to this practice of sending out war-parties; and that they state to the various tribes the views of the President upon this subject, and his hope that this warning will be attended to, and will prevent a recurrence to other and harsher measures.

Yours,

LEWIS CASS.

To General WM. CLARK.

WAR DEPARTMENT,

Office Indian Affairs, August 25, 1831.

Your letter, dated August 20th, 1831, has been received at this department. In it you state that the contractors for furnishing five hundred ploughs, for the Indians, have agreed to deliver them at Pittsburgh.

The location of Fort Smith, to which the ploughs are to be forwarded, is on the Arkansas, and near the place mentioned in your letter.

With respect, your humble servant,

ELBERT HERRING.

Major R. L. BAKER.

WAR DEPARTMENT,

Office Indian Affairs, August 25, 1831.

SIR: Your letter of the 13th instant, has been received.

This Government has not the power to authorize your settlement on any of the lands owned by the Creek Indians. The assumption of such power would be in direct opposition to a provision in the treaty concluded with that nation.

Respectfully, your humble servant,

ELBERT HERRING.

Mr. JOSEPH H. FRITH.

WAR DEPARTMENT,

Office Indian Affairs, August 26, 1831.

SIR: You will be pleased to furnish for this department, two hundred and fifty cotton cards, number 6; and the same number of wool cards, number 4. The present current price of the former is stated to be five dollars per dozen pairs; and of the latter, three dollars and seventy-five cents per dozen pairs. You will please to have insurance effected upon them, and forward them as soon as possible to Fort Smith, on the Arkansas, to the care of Captain David McClellan, sub-agent of the Choctaws west.

On production of the necessary vouchers at the department, your draft for the amount due will be paid.

With much respect, &c.,

ELBERT HERRING.

Mr. HENRY TOLAND.

WAR DEPARTMENT,

Office Indian Affairs, August 26, 1831.

GENTLEMEN: You will furnish, for this department, eight hundred best Mackinac three-point blankets, at \$7 per pair; also, two hundred and fifty two-and-a-half-point blankets, at \$5 50 per pair. According to information recently received at this office, the above are the present current prices of the article; and that information agrees with your own statement to the late Secretary of War, in your letter dated May 20th, 1831. You will have them well put up, and forwarded to Fort Smith, on the Arkansas, to the care of Captain David McCellan, sub-agent of the Choctaws west. You will also have insurance effected on the articles; and on receipt of the proper vouchers at this department, your draft for the amount due will be paid.

You will please to forward the blankets with all possible speed.

Respectfully, &c.,

ELBERT HERRING.

Messrs. SUYDAM, JACKSON & Co.

WAR DEPARTMENT,

Office Indian Affairs, August 29, 1831.

SIR: In answer to your letter of the 3d instant, duly received, I have to observe that your accounts and vouchers are, and have long been, in the auditor's office; and soon as they have been passed upon, you will be apprized of the result. You will receive instructions from General Gibson on the other subjects referred to in your letter, to wit: the removal of the Indians and the opening of necessary roads.

With much respect,

Your humble servant,

ELBERT HERRING.

Col. GEORGE S. GAINES.

WAR DEPARTMENT,

Office Indian Affairs, August 29, 1831.

SIR: On the 9th instant, by direction of Governor Cass, the present Secretary of War, Samuel S. Hamilton, esq., wrote to you, to be informed "whether arrangements had been made for the survey of the lines required to be run and marked by the treaty, concluded the 15th of July, 1830, with the Sioux, Sac and Fox Indians;" and he stated, at the same time, "that if arrangements had been made, this department would not interfere; but that if none had been made, there should be further suspension, that this department might act in the matter."

Presuming that the present Secretary of War was then absent from this place, Colonel Richard M. Johnson, on the 11th instant, wrote to the President a highly recommendatory letter, of General Hughes and Major Bean, and therein stated it to be your desire to have those gentlemen appointed to survey, run, and mark the said lines.

I am instructed by the Secretary of War, to inform you that both the recommendation of Colonel Johnson and your own concurrent desire, are entitled to the highest respect.

A letter from General Hughes to Colonel Johnson, was enclosed in Colonel Johnson's communication to the President. In that letter General Hughes, for himself and Major Bean, has proposed to make the necessary survey, &c., for nine thousand dollars, being the sum appropriated by Congress for that purpose.

That proposal is altogether inadmissible. The services rendered might not be worth half that sum, and the Government would then be unjustly charged with the full appropriation; or the services rendered might in value exceed the appropriated amount, and the contractors would then, by their own act, be deprived of an adequate compensation. A compliance, therefore, with the offer of General Hughes, would subject either the Government or the contractors to inevitable loss.

The Secretary of War has instructed me to say, that you are at liberty to appoint the before-mentioned gentlemen, but with such compensation as your judgment may approve. His object is to allow rightful recompense for the service; thus avoiding on the one hand inadequate compensation, and on the other wasteful expenditure.

With these remarks, the Secretary confides the business to your discretion, believing that under your judicious management the work will be done with all possible despatch, ability, and economy.

With much respect,

Your humble servant,

ELBERT HERRING.

Gen. WILLIAM CLARK.

WAR DEPARTMENT,

Office Indian Affairs, August 29, 1831.

SIR: In a letter of instructions, dated September 1, 1830, written to you by Major Eaton, the late Secretary of War, it concludes with the following words:

"All this can be done in the course of fifty days, and to this period you are limited in the execution of the trust confided to you. If undertaken, your actual expenses only will be admitted; and to prevent trouble in keeping accounts and vouchers, your allowance will be three dollars a day."

In pursuance of that explicit statement to you, this department is not at liberty to extend the allowance. On forwarding your receipted account, in conformity to the above stipulation, the amount due will be remitted to you.

Respectfully, your humble servant,

ELBERT HERRING.

Mr. JOHN LOWREY.

WAR DEPARTMENT,

Office Indian Affairs, September 1, 1831.

SIR: Your letter of the 11th ultimo, enclosing a copy of a letter from Mr.

Menard, jr., and of talks of the chiefs of the Ottawa and Pottawatamie bands residing on the Illinois river, is received.

I am directed by the Secretary of War to state, in reply, that it is not considered necessary for these Indians to visit the seat of Government. The matters of which they complain, it is believed, can be adjusted through you in the usual mode of communicating with them; and you are accordingly requested to endeavor to adjust and satisfy their grievances in that way.

It is the impression, however, that there is no necessity for continuing the sub-agency at Peoria, and that it would be best to abolish it, and for the small bands of Ottaways and Pottawatamies on the Illinois river to join the united bands of Ottaways and Pottawatamies between Lake Michigan and the Mississippi, and reside permanently among them. While these small bands remain where they are, and thereby keep up so many separate interests among people of the same tribe, it is impossible to satisfy all. By their removal, as proposed, the difficulties at present in the way of a satisfactory adjustment of their grievances, would at least be much diminished. You will be pleased to make known to the chiefs these views, and it is hoped they may be induced to adopt them. The result of your proceedings for this object, will be reported for the information of the Department.

I am, very respectfully, &c.,

S. S. HAMILTON.

To General WM. CLARK,

Superintendent Indian Affairs, St. Louis, Mo.

WAR DEPARTMENT, *September 1, 1831.*

SIR: You are hereby appointed superintendent for the removal of such of the Cherokees, within the chartered limits of Georgia, as may be willing to accept the terms offered by the treaty of May 6th, 1828, with the Cherokees west of the Mississippi, and who are prepared to migrate to the country beyond that river.

Your compensation will be at the rate of two thousand dollars per annum, while employed, to include all your expenses. If you accept, you will please to proceed immediately to the execution of the duties assigned you; notifying this department of such acceptance. Should you decline, I will thank you to give me the earliest notice of your determination. I enclose a *projet* of operations for the removal of the Cherokees, which has been approved by the President, and which will put you in possession of the outlines of the general plan. It will be the object of this letter to communicate to you more in detail some of the views of this department; and, should you find yourself in doubt upon any material point, on a representation of the difficulty, the necessary explanation shall be given.

The general direction of the operations is confided to you. These may be best considered under *three distinct heads*.

1st. The initiatory measures, consisting of the enrolment of the Indians; and the valuation of the property.

2d. The payments to be made, and the articles to be furnished to them, including all expenses of this nature, except those for transportation and subsistence.

3d. Transportation and subsistence.

The treaty provides, that, upon enrolling himself for emigration, there shall be given to each head of a Cherokee family now residing within the chartered limits of Georgia, &c., a good rifle, a blanket, and kettle, and five pounds of tobacco, and to each member of his family, one blanket.

We have not the means of knowing whether these articles can be procured in the vicinity of the Cherokee country in sufficient quantities, and of a quality and price to justify the purchase there. Nor have we any just data by which we can estimate the number of the Indians who are prepared to enrol and emigrate. The Governor of Georgia, from information he has received, and which he has communicated to this department, thinks there is a large proportion of the tribe now willing to accept the offer which the Government is authorized to make. As a basis of future operations, it is very important to ascertain this fact with as much precision as circumstances will permit. Your efforts will, therefore, be first directed to this object. Proceed immediately to the Cherokee country, converse freely and fully with the agent, who will be instructed to afford you every aid in his power, and procure all the information that may be important for the Government or yourself. What number of Indians are probably prepared to go: when will they be ready: where are the proper points of collection and departure: what number, having a due regard to economy on one hand, and their comfortable subsistence on the other, should go together? What routes should be taken: ought depots of provisions to be established upon any of these routes, and if so, where, and what quantity should they contain? Can all be moved this year, who may be willing to go? Can provisions in sufficient quantity, say $1\frac{1}{2}$ pounds of fresh beef, or in lieu of it, $\frac{3}{4}$ of a pound of salt pork, 1 pint of corn, or in lieu of it, 1 pound of flour for each person, and when fresh beef is issued, two quarts of salt to every 100 rations, be purchased upon reasonable terms, and where? Would it be best to buy any cattle the Indians may be disposed to sell at a valuation, and issue them as provision? Can three-point blankets, weighing say eight pounds to the pair, be procured, and for what price? Can good rifles and kettles be procured? and if so, state the quality and price. Would many of the emigrants be disposed to supply themselves upon the route?

These questions I will thank you to answer, as far as may be in your power, not confining your inquiries to these, but extending them to all other subjects you may deem important.

You will perceive the treaty provides, that the articles before enumerated shall be given to the Indians when they enrol themselves. But, for the reasons already stated, we are not prepared to make these deliveries: and, before this can be done, your report must be received. But, as the President is anxious that every facility should be afforded to this measure, you will, should you deem it important, immediately open enrolment registers in the manner prescribed in the 9th article of the *projet*. These will be under the direction of yourself and the agent; and should you find it necessary to the success of the plan, you can, when each person enrolls himself, give him a certificate, enumerating the articles due to them, and stating, that as soon as they can be procured, they will be delivered to such person himself, and to no other, on the presentation of the certificate. Registers will be kept, and duplicates of these, as well as of the emigration rolls, will, from time to time, be transmitted to this department.

Two appraisers will be appointed, whose duties will be regulated by the

treaty and by the principles approved by the President. There are three circumstances connected with this branch of the subject, to which I will advert.

In the first place, these appraisers will not proceed to the execution of any duty until notified by you so to do. The object of this restriction is to reduce the expense, as you will of course not call on them until there is sufficient business at one time to claim their attention.

In the second place, they will appraise only those improvements of the land which are fairly valuable. The treaty provides that compensation shall be made for the property *abandoned*. I do not see that any property will be necessarily abandoned, except that which is attached to the land; and to this the estimates of the appraisers will be confined. Should it, however, be deemed indispensable to purchase the stock of the Indians, this might be done, if it could be effected upon reasonable terms; and the stock so purchased, issued for provisions. Upon this subject your views are requested.

In the third place, the treaty does not prescribe when and where the payment for property abandoned shall be made; and the President is strongly inclined to postpone this measure till the arrival of the Indians at their new residence. It appears to me they cannot want it at the commencement of their journey, for they will be amply supplied with every necessary; and their reckless improvidence is such, that they would soon expend every dollar. How far this postponement would affect the general measure, I will thank you to inquire and report.

2d. The payments to be made, and the articles to be furnished to them, including all expenses of this nature, except those for transportation and subsistence.

Having already touched upon this subject, the observation I shall make will be the more brief.

You will perceive we shall await your report before we direct the purchase of the articles to be supplied. If these, except the tobacco, must be procured, as I presume they must, in one of the Atlantic cities, they will be sent to the care of the agent, who will issue them upon your requisition. These, together with the receipts of the Indians, will be his vouchers at the Treasury. Such as can be better procured near the Cherokee country will be purchased by the agents upon your requisition, and issued as above. Funds for these objects will be remitted to him, after the whole plan of operations is determined.

3d. Transportation and subsistence.

This branch of the service has been confided to the subsistence department, and will be conducted by an officer of the army, who will be ordered by General Gibson to report himself to you. He will make all the purchases and expenditures connected with these objects, upon your requisitions. Detailed instructions will be given to him by the Commissary General of Subsistence.

You will determine where provisions shall be deposited, and in what quantity, and to whom they shall be issued. You will likewise select the route of the emigrants, and the mode of transportation. If a road must, in any instance, be opened or repaired, you will give the necessary instructions; and, generally, you will, in the exercise of a sound discretion, prescribe all the measures required to transport the Indians to their ultimate destination, and to subsist them on the journey. Funds for these objects will be remitted to the agent of the subsistence department.

You will perceive, however, that this department is anxious of receiving your report upon the various topics before enumerated, prior to the actual departure of any body of the emigrants. This, I presume, may be done without occasioning any considerable delay. In the progress of your operations, other assistance will be necessary. You will, from time to time, indicate your views upon this subject; and it is probable that persons will be appointed by the department, and directed to report to you. In the mean time, and before this is done, should you find it necessary to employ assistants, you can do so, taking care to fix their compensation previously, and as economically as a just regard to their duties will permit; not exceeding, in any case, four dollars per day, to include all expenses. If this be done you will report the names, the compensation, and the nature of the duties of these persons, together with the reasons of their employment. Anxious as the President is to effect, with their own free consent, the removal of these Indians, he is not less anxious that they should understand distinctly the offers which are made to them, and all the circumstances attending their removal and settlement.

You will take particular care in all your communications with them, that the subject is fully explained, and that nothing is left of which they can eventually complain.

Let them know that the President feels for their situation; that he is satisfied they had better remove, and soon; and that where we wish them to go, they will find a mild climate, a fertile country, and the means of preserving their institutions, without the interference of the white people; and then let them know that we leave the choice to them, trusting that the Great Spirit, who made the white men and the red, will open their eyes to see the path they ought to travel. Your communications will be addressed to Elbert Herring, esq., Bureau of Indian Affairs; but on the exterior envelope they will be thus directed—"Office of Indian Affairs, Secretary of War, Washington."

Very respectfully, &c., &c.,

LEWIS CASS.

To BENJAMIN F. CURREY, Esq.,

McMinnville, Tennessee.

WAR DEPARTMENT,

Office Indian Affairs, September 2, 1831.

SIR: As emigration west, from the old Cherokee nation, is about to be opened again, under the provisions of the late treaty with the Cherokees of Arkansas, it is desirable that all arrearages, arising under former proceedings for the same object, be immediately and finally closed. I am, therefore, directed by the Secretary of War to instruct you to proceed, as expeditiously as possible, with the settlement of all the claims of this kind, and any others connected with the execution of said treaty, remaining unpaid at your agency; and for the convenience of the respective claimants, you are authorized to give them bills on the Department of War, payable *to order*.

All the bills you have drawn under former instructions that have been presented here, have been promptly paid. The letters of advice, and the information given on the face of the drafts themselves, were very satisfac-

tory. You will transmit similar letters of advice and information, in relation to the drafts that may be drawn by you, *to order*, in pursuance of the instructions now given.

I suggest the propriety of forwarding regularly your quarterly returns for all disbursements made on account of claims under the late treaty, as well as on account of the ordinary expenses of your agency.

I am, very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To Captain GEORGE VASHON,

Indian Agent, &c.

From the Secretary of War to the President of the United States.

SIR: In order to carry into effect the stipulations of the treaty, concluded at Washington, May 6, 1828, with the Cherokees living west of the Mississippi, for the removal of such of the Cherokees living east of that river, as may be anxious to exchange their present residence for a permanent one; and that by this exchange their immediate condition may be improved, and the means of future prosperity afforded them, the Secretary of War has the honor to submit to the President of the United States the following *project*:

1. A superintendent to be appointed, with a salary at the rate of \$2,000 per annum, while employed, who shall have the general direction of all the measures, relating to the enrolment of the Indians, to the subsistence, to the mode of transportation, to the route, and generally to all the objects connected with their emigration. It will, of course, be necessary that a man of high character, in whom perfect confidence can be placed, should be selected for this delicate trust.

2. That two discreet men be appointed as appraisers to estimate the value of the property which may be abandoned, including under this designation, till better information is received, only the fair improvements upon land, to be allowed at the rate of \$1000 per annum each, while actually engaged in the business.

3. The appraisers not to act till called upon by the superintendent, in order that the business may be done in as little time as possible.

4. An officer of the subsistence department to be ordered to the Cherokee country, to make the necessary purchases and issues of provisions, under the orders of the superintendent. The disbursements on account of subsistence and transportation to be made by such officer.

5. Agreeably to the stipulations of the treaty, a rifle, a blanket, a kettle, and five pounds of tobacco, to be given to each head of a family, on enrolling, and one blanket to each member of the family.

6. These articles to be purchased under the orders of the department, and forwarded to proper depots in the nation, or purchased by the agent, as may be found most expedient on inquiry. All disbursements of funds for these objects, in that quarter, and all issues of those articles, to be made by the agent, upon requisitions drawn by the superintendent.

7. In the same manner will all other necessary payments be made by the agent, except those appertaining to subsistence and transportation.

8. Directions will hereafter be given when the payments for improvements shall be made, as a previous report from the superintendent is deemed

necessary. It is apprehended, from the improvident character of the Indians, that, if they receive this money before the commencement of their journey, it will all be wasted before they reach their destination; and as they will be provided for by the Government, it scarcely appears necessary to expose them to this hazard. However, this point must be yielded, if they make it an indispensable pre-requisite.

9. There will be inserted, at the head of the emigration roll, a formal relinquishment of all the land claimed by each person in the Cherokee nation; and special relinquishment, signed and witnessed, descriptive of the property, will also be taken in each case.

10. No certificates payable to order or bearer to be given. The practice would only lead to gross impositions upon the Indians. It would be better merely to enter the valuation in the duplicate lists of the appraisers, till the payments are ready to be made. But if this mode should create dissatisfaction among the Indians, certificates may be issued expressly payable to the owner of the property, and to no other person, except his legal heirs in the event of his death. But no certificate, under any circumstances, to be issued till the valuation has been approved by the War Department.

11. Should the appraisers differ in opinion, the superintendent to be called in to decide.

12. As far as possible, inducements to be held out to the Indians to provide for themselves upon the route, and to receive a fair consideration therefor, in proportion to the estimated expense, which the same object would cost the United States, as has been done in the removal of the Choctaws.

13. But with respect to the preceding article, and also with respect to the bonus of \$50, offered by the treaty to each one who shall conduct four persons from the chartered limits of Georgia to the country west of the Mississippi, great caution should be used; for if proper persons are not selected to take these charges, great suffering must be encountered upon the journey, and many will doubtless perish. Advances equal to the estimated expense must be made, but in the exercise of the soundest discretion.

* 14. The first step proposed, before other expenses are hazarded, is to appoint a superintendent, and to call upon him for a detail report on the subject, in order to judge whether the numbers, now prepared to emigrate, are such as to justify the measures herein recommended. The statements made by different persons to the Governor of Georgia, and by him forwarded to the President, and to this department, certainly hold out the prospect of a considerable emigration immediately taking place from the chartered limits of Georgia. To that district the efforts herein contemplated should be confined, for the very strong reasons assigned by the President, namely, as out of these limits the United States hold the ultimate fee of the country. If a portion of the Indians leave their possessions, those would not, under any practice heretofore adopted, revert to the General Government, but would belong to that portion of the tribe remaining; and thus, in fact, the whole benefit would be theirs, and the difficulties of the purchase greatly increased.

15. Subordinate officers must eventually be appointed, and many other details provided for, with which it is not deemed necessary to trouble the President. Should the general measures be approved by him, the ordinary authority of this department will be found sufficient for these objects.

LEWIS CAS.S

September 2d 1831.

Approved: ANDREW JACKSON.

WAR DEPARTMENT, *September 3, 1831.*

SIR: It is the desire of the President to effect the removal of such of the Cherokees, living within the chartered limits of Georgia, as may be willing to accept the provisions of the treaty concluded May 6th, 1828, with the Cherokees west of the Mississippi, and to join their countrymen in that region. Benjamin F. Currey, esq., of McMinnville, Tennessee, has been appointed superintendent to direct all the operations connected with this affair; and has been instructed to repair to the Cherokee country, and to commence the initiatory measures, and make a special report to this department of all the circumstances necessary to be known. The expenditures, for the subsistence and transportation of these Indians, will be made through your office, and for this purpose an officer of the army, to be selected by you, will be ordered to the Cherokee country. You will give him such directions as may appear to be necessary, for the correct discharge of his duties. His purchases and issues will be made upon the requisitions of the superintendent; and he will obey the instructions of that officer, so far as the same may be within the sphere of the duties prescribed. His compensation will be the same as that allowed to Captain Clark, and you will advise him of the manner in which he can receive funds. As it is not expected that any final measures, for the immediate removal of the Indians, will be taken until a special report is received from Mr. Currey, it is not deemed necessary to appoint, at present, any assistants to aid your officer in the performance of his duties. These, however, will, no doubt, be required, and will not be withheld. Upon this subject, as well as upon every other connected with the general measure, I will thank you to call for full and frequent reports, that this department may have constant information of the progress and prospect of the whole operation.

Very respectfully, &c., &c.,
LEWIS CASS.

To Gen. GEORGE GIBSON,
Commissary General of Subsistence.

WAR DEPARTMENT, *September 3, 1831.*

SIR: You are hereby appointed, in conjunction with Littlebury Hawkins, an appraiser to assess the value of the property which may be abandoned by such of the Cherokee Indians, within the chartered limits of Georgia, as may be disposed to emigrate to the country west of the Mississippi. Your compensation will be at the rate of one thousand dollars per annum while engaged in this business.

The treaty, concluded May 6th, 1828, with the Cherokees west of the Mississippi, provides that a just compensation for the property he may abandon, to be assessed by persons to be appointed by the President of the United States, shall be given to each head of a family. It is to the execution of this provision of the treaty that your duties will be confined. It does not appear to me that any property must be necessarily abandoned, except the improvements upon the land. All the personal property can, I presume, be disposed of without much loss. But, upon this subject, directions have been given to ascertain the expectations of the Indians, and how far the construction above given will have a tendency to prevent their emigration.

On the receipt of the necessary information, additional instructions will be issued, should they appear to be called for. In the mean time, however, your assessment will extend only to the improvements upon the land; and in estimating the value of these, confidence is placed in your justice and experience. You will endeavor to act with perfect impartiality, and to hear all the statements and estimates of the Indians, and to examine, personally, every thing pointed out to you. You will then determine the amount to be paid; influenced neither by a desire to be generous on the one hand, nor parsimonious on the other.

You will prepare duplicate rolls; in which you will enter in separate columns the name of each owner of land, its situation, the number of acres under improvement, distinguishing the different kinds thereof, the extent of the fences, the buildings, and any other improvement not herein enumerated, stating the value of each, and showing the aggregate of the whole.

After you have finished your duties, you will transmit one of these duplicates to this department, and the other you will deliver to the superintendent. And you will, also, while engaged in the business, forward to the Bureau of Indian Affairs weekly returns, exhibiting your proceedings in the manner above pointed out. It is desirable, in order to avoid the impositions to which the Indians are always liable, that no certificates of this valuation should be issued; but that the rolls themselves should furnish all the evidence upon the subject, until the appraisement is approved here, and the time and place of payment determined. You will endeavor to satisfy the Indians that this is the best course for them; but should you not succeed, you will report the matter to the department; and then should it be considered best to postpone the payments until the Cherokees reach their new homes, so far as your estimates may appear to be reasonable, they will be approved; and you will be authorized to issue certificates payable to the owner of the property only, and to no other person, except his legal representatives in the event of his death.

Should you differ in opinion in any case, or should either of you be absent, the Indian agent may be called in to aid in the execution of this duty.

Benjamin F. Currey, of McMinnville, Tennessee, has been appointed superintendent for the removal of these Indians. The time and place of performing your duty will be determined by him. You will not proceed to its execution until you are advised by him; that every thing is in readiness. Your account for your compensation, after being certified by the superintendent, will be paid upon your draft on this department.

Very respectfully, &c., &c.,
LEWIS CASS.

To JAMES M. C. MONTGOMERY.
[Same to LITTLEBURY HAWKINS, Esq.]

WAR DEPARTMENT, *September 3, 1831.*

SIR: Accompanying this, you will receive the copy of a *projet* for the removal of the Cherokees, which has been approved by the President; and also the copy of a letter addressed to B. F. Currey, esq., who has been appointed the superintendent to conduct all the necessary operations.

These papers will put you in full possession of the views of the Government upon this subject; and the President confidently relies upon your zeal-

ous co-operation in carrying them into effect. I am desirous you should communicate fully with the department upon all the topics connected with this important affair, and make such suggestions as your experience and local position may dictate. You will comply with all the requisitions of Mr. Currey, made in conformity with his instructions, and generally afford him every aid in your power in the execution of the various duties assigned him.

There are two points upon which I wish precise information. Is it expedient to change the location of your agency? and if so, why? And to what place should the agency be transferred? How can you be best supplied with funds? by an authority to draw upon this department, or by deposits to your credit? and if by deposits, where should they be made?

Very respectfully, &c.,

LEWIS CASS.

To Colonel HUGH MONTGOMERY,

Cherokee Agent, Calhoun, Tennessee.

P. S. You will consider these instructions as superseding, so far as may be necessary, the course directed in my letter of the 13th ultimo. Should the appraisers differ in opinion, or should one of them be absent, you will, on advice thereof, proceed to aid in the execution of that duty, for which you will be allowed an equitable compensation.

L. C.

WAR DEPARTMENT,

Office Indian Affairs, September 5, 1831.

SIR: Your letters of the 17th and (two) of the 22d ultimo, with the treaty concluded with the Shawnees, and other papers referred to in them, respectively, have been received.

The sum of \$175, due to the Wyandots as part of the annuity stipulated for by the treaty of 1805, is produced by stock held in trust by the President to secure the payment of that sum annually to these Indians. When the annuities are remitted in the spring, there is not enough of interest due on the stock to pay the sum of \$175, due for the year; and it was, therefore, formerly the practice to pay it from the contingencies of the Indian Department, when the other part of the annuities was paid, and draw the interest at the close of the year, and carry it to the credit of the contingent appropriation to reimburse the amount taken from it for this purpose; but the small amount appropriated for contingencies for the last two years, has prevented a continuance of this practice; and it appears that an omission to draw the interest at the close of the last year, (when it amounted to the sum of \$175,) and remit it for payment, has occasioned the deficiency (in part) complained of. The further sum of \$175 will be due on the stock on the 31st December next; which can then also be drawn, and will make up the whole amount of the deficiency. In the mean time, however, the measures you have adopted to raise the amount (\$350) are approved, and the bill for the same will be paid when presented.

In regard to the association of Colonel McElvain with you in negotiating with the Indians in Ohio, it does not appear, by the instructions of the late Secretary of War to him, that it was intended he should do any thing more in the business than, as the agent for these Indians, to afford you (who

was specially appointed to negotiate the treaties) all the facilities in his power, as agent, to further the objects of your appointment. It appears to have been the intention, however, after you had arranged with the Indians the terms of the treaties, that Colonel McElvain should sign them with you.

To his acting with you so far as this, it is presumed, you can have no objection. As the agent of the Government with the Indians to be treated with, some respect is certainly due to him; and this was, no doubt, the consideration which induced the Secretary of War to give him the instructions which he did on the subject. With this explanation, it is hoped you will be able to proceed in the business specially confided to you, without any embarrassment in the way you seem to apprehend. With respect to the wish of the Wyandots to send a deputation to look at the country proposed to be assigned them west, before a treaty is finally concluded, I am directed by the Secretary of War to say there is no objection to the measure; but, as these Indians are intelligent people, he prefers to give them a specific sum to *pay all the expenses of the trip, going and returning*, (including the expenses of one respectable white man to accompany them,) without any further charge or trouble on account of the same to the Government. You are, therefore, requested to ascertain and report what sum would be considered sufficient, and they would be satisfied to receive, in full, for all the expenses of the journey as above stated; and so soon as your report is received, the amount, if deemed reasonable, will be remitted.

I am, very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To Colonel J. B. GARDINER,
Special Agent, &c.

WAR DEPARTMENT, *September 6, 1831.*

SIR: James M. C. Montgomery, and Littlebury Hawkins, of Louisville, Kentucky, have been appointed appraisers to estimate the value of the property abandoned by the emigrating Cherokees. A copy of their instructions is forwarded for your information. The letter for Mr. Montgomery is sent to your care, and you will please forward it to him.

Respectfully, &c.,

LEWIS CASS.

HUGH MONTGOMERY, Esq. *Cherokee Agency.*

WAR DEPARTMENT, *September 6, 1831.*

SIR: James M. C. Montgomery, who may be found at the Cherokee Agency, and Littlebury Hawkins, of Louisville, Kentucky, have been appointed appraisers to estimate the value of the property abandoned by the emigrating Cherokees. A copy of their instructions is enclosed.

A copy also of a letter to Mr. Montgomery, the Cherokee agent, is forwarded for your information.

Very respectfully, &c.,

LEWIS CASS.

To B. F. CURREY, Esq.,
Sup't of the emigrating Cherokees, Mc Minnville, Tenn.

WAR DEPARTMENT,
Office Indian Affairs, September 6, 1831.

SIR: I am directed, by the Secretary of War, to inform you that the Senecas will, agreeably to the provisions of the late treaty with them, soon leave Ohio, on their journey to the lands assigned them west, accompanied by Colonel McElvain, Indian agent, and Mr. Brish, sub-agent. On the arrival of the Senecas at St. Louis, they will be under your control, and the whole will be placed in charge of Mr. Brish, (who is instructed to report to you for that purpose,) and will be conducted by him, under your directions, to their lands, with as little delay as practicable. You are requested to make the necessary arrangements for their journey from St. Louis, and draw on the department for the expense; and also for any other expense that it may be necessary to incur in providing them with provisions and other articles, &c., as stipulated for by the treaty. It is desired that every provision made by the treaty may be faithfully executed; and the Secretary of War confides implicitly in your discretion, that every thing required will be done, and on the most economical terms.

As Mr. Brish is unacquainted in the section of country in which these Indians are about to be located, and it is believed has not had much experience in the purchasing and issuing of provisions to Indians, you are requested to be very particular in your instructions on these points—directing him not only as to the best mode of making his purchases and issues, but also as to that of accounting for all such purchases and issues made by him, the taking of the proper vouchers, &c., to be transmitted, through you, quarterly, to the Department of War for settlement.

Copies of the instructions to Colonel McElvain and Mr. Brish are enclosed, for your information and government.

I am, &c., &c.,

SAMUEL S. HAMILTON.

To General WILLIAM CLARK,
Sup't Indian Affairs, &c.

WAR DEPARTMENT,
Office Indian Affairs, September 6, 1831.

SIR: I am directed, by the Secretary of War, to inform you that it is the wish of the department that you should accompany the Senecas on their journey from Ohio to the lands assigned them west of the Mississippi. Or in the event of the Senecas dividing, a part going by water and a part by land, you will accompany one of the parties, and Colonel McElvain the other, as the matter may be arranged by him. Until your arrival at St. Louis you will act under the instructions of Colonel McElvain, of whom you will receive the necessary funds to pay the expenses to that place of the party assigned to your charge. When you arrive at St. Louis, you will report yourself to General Clark, and will then take charge of both parties, and conduct them, under his directions, to the lands fixed on for their permanent residence; and will remain with them for one year for the purpose of procuring and issuing to them provisions, as stipulated for by the treaty. Provisions will be purchased by you, under the directions of General Clark, who will, from time to time, furnish you with the necessary

funds for that purpose. For the services herein required of you, you will be allowed at the rate of \$1,200 per annum, including your expenses; to commence from the time you set out with the Senecas on their journey from Ohio.

The ploughs, hoes, and axes, to be furnished the Senecas, after their arrival on their lands, will be purchased by General Clark, who is instructed to attend to this and all other matters connected with the execution of the treaty for the Senecas.

I am, very respectfully, &c.,

SAMUEL S. HAMILTON.

To HENRY C. BRISH, Esq.,

Sub-Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, September 6, 1831.

SIR: Your letter of the 28th ultimo to the Secretary of War, is received.

In reply, I am directed to instruct you to make all necessary arrangements for the removal of the Senecas, agreeably to the provisions of the late treaty. It is the particular desire of the Secretary of War, that the arrangements be made as economically as possible. It would be preferred that all the Senecas should go by water; but the wishes of the Indians, on this point, are to be respected, and if a few (the fewer the better) should choose to go by land, you will provide for them a sufficient number of horses, bags, tents, and a few of such other articles as may be absolutely necessary on the journey. And in the event of a division in this way, one of the parties will be accompanied by yourself, and the other by Mr. Brish, the sub-agent, as you may think proper to arrange the matter. Should the Senecas change their minds, and all agree to go together by water, Mr. Brish only will accompany them.

Clothes for the poorer Indians, if required, may be furnished to an amount not exceeding five hundred dollars. These you will purchase; and also the blankets and rifles stipulated for by the treaty, if the Indians should desire to receive them in Ohio. There is appropriated for the purchase of the rifles \$1,200, and of the blankets \$1,200. In purchasing these articles, therefore, you will be careful not to exceed the sums appropriated for them respectively; or, at all events, the sum of \$2,400 for both. The other articles will, of course, be purchased on the most moderate terms they can be had for.

You will draw on the department for the funds required to make the purchases above-mentioned, and to pay all other expenses to be incurred in the removal of the Senecas, advising the department of the object for which each draft is drawn. And you will place in the hands of Mr. Brish enough money to pay the expenses of the party he may accompany; and for which, his receipt will be a sufficient voucher to give you a credit for the amount in the settlement of your accounts. You can commence drawing for funds as soon as any may be required; but the Secretary of War directs that you prepare and transmit, for the information of the department, a statement or estimate of the amount that will probably be required to meet every expense.

Mr. Brish is instructed to report to General Clark on his arrival with the Senecas at St. Louis, where your connexion with them will cease; and he will then, under his directions, take charge of the whole, and conduct them to the lands assigned them. He will remain with them for one year for the purpose of procuring and issuing to them provisions, as stipulated for by the treaty. Which duty he will perform under the directions of General Clark, by whom he will, from time to time, be furnished with the necessary funds to purchase the provisions. A copy of the instructions to Mr. Brish is enclosed for your information.

General Clark is requested to purchase the ploughs, hoes, and axes, and to attend to the execution of every other provision of the treaty, that may remain to be carried into effect, after the arrival and settlement of the Senecas on their lands west.

You will settle the little claim of Mr. Brish for provisions; and, also, the claim of the interpreter to pay, under a provision of the late treaty, (allowing him what may be deemed reasonable,) and pay them out of the funds you may receive on your drafts.

The arrearages which will remain due at your agency for 1829, after the payment of those claims for which you have been authorized to draw, cannot yet be paid. If the appropriation for the Indian Department will admit of it, you will be authorized to draw for the amount; but it is probable that this cannot be well ascertained before the close of the year. They will certainly be paid as soon as funds can be had for the purpose.

I am, very respectfully, &c.,

SAMUEL S. HAMILTON.

To Colonel JOHN McELVAIN,
Indian Agent, &c.

WAR DEPARTMENT, *September 7, 1831:*

SIR: I have had the honor to receive your letter of the 20th ultimo, with its enclosures. These have been submitted to the President, and the renewed expression of your views respecting the emigration of the Cherokees, together with the statements and opinions to which you have referred, have led to a reconsideration of this matter, and to a determination, by a systematic effort, to effect the removal of these Indians from the chartered limits of Georgia, so far as the same can be done with their free consent, and under the stipulation of the treaty of May 6th, 1828, which hold out strong inducements to them. The accompanying papers, which I have the honor to transmit to you, will put you in possession of the plan which has been adopted, and of the mode proposed for its execution. Information shall, from time to time, be given to you of the progress, prospects of the affair, and of any changes it may be found necessary to make. And I shall be happy to receive any suggestions you may feel disposed to offer.

Mr. Currey, who has been appointed to superintend this business, is represented to be a man of energy, integrity, and industry; and I doubt not, but he will devote himself zealously to the execution of the duty assigned to him.

You will perceive that, for the reason stated in the papers, this effort is confined to the Cherokee country within the chartered limits of Georgia;

and it, therefore, becomes unnecessary to designate any particular district to which the attention shall be first directed. If his report furnishes grounds for the belief that any considerable portion of the Cherokees are prepared to emigrate, all proper means, within the reach of this department, will be used to forward that object.

Very respectfully, &c., &c.,
LEWIS CASS.

To his Excellency GEORGE R. GILMER,
Governor of Georgia.

WAR DEPARTMENT, *September 7, 1831.*

SIR: It is considered important that an agent be appointed for the Choctaws on the west side of the Mississippi, and the President has selected you for that office. Your appointment will continue until provision is made by law for the office of Indian agent to the Choctaws west of the Mississippi, agreeably to the stipulations of the treaty of September 28th, 1830, with that tribe. You will be allowed a salary of \$1,500, while engaged in this duty; and you will execute, with two sufficient securities, the enclosed bond, and transmit it to this department.

You will repair without delay to Fort Smith, where you will take charge of any property which may have been sent there, on account of the Government, for the use of the emigrating Choctaws, and make arrangement for the receipt of such as may thereafter arrive. This property you will cause to be transported to the proper place, and divided agreeably to the stipulations of the treaty.

Captain Clark, of the army, now doing duty in the subsistence department, has the general direction of the movement of the Choctaws west of the Mississippi. He has requested to be relieved, and another officer has been detailed to do this duty. The supplies for the subsistence of the Choctaws, during the period of a year after reaching their new residence, will be provided and issued by this officer and his assistants, to such persons, and in such manner, as may be pointed out by you.

More detailed instructions will be communicated to you from the Bureau of Indian Affairs, with the principal clerk of which you will correspond.

Very respectfully,
LEWIS CASS.

To FRANCIS W. ARMSTRONG, Esq.
Knoxville, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, September 8, 1831.

SIR: I am directed by the Secretary of War to acknowledge the receipt of your letter of the 16th ultimo, enclosing the minutes of a council held by you with the Menomonie chiefs, on the subject of the recent outrage committed by a party of Sac and Fox Indians, at Prairie du Chien, and to say that your proceedings are approved by the department.

I am also directed to inform you that the President is determined that

this outrage against the Menomonies shall not pass unpunished. But that the Government considers it due to itself, to public opinion, and the provisions of the law of intercourse, that this object should be attained with as little inconvenience to us, and as little injury to the Sacs and Foxes, as possible. The course pointed out by the law of intercourse must be pursued. That course is to demand the principal offenders; and if delivered up, they will be tried and punished. If not surrendered, then such other and strong measures will be taken for the punishment of the outrage, as the case requires. General Clark and General Atkinson have been fully instructed how to act; Governor Porter has also been instructed to communicate to you, for the information of the Menomonies, the feelings and intentions of the President, and his expectation that they (Menomonies) will peaceably await the result. The department confidently relies upon your exertions to sooth the Menomonies, and under no circumstances to allow them, (if practicable, to prevent it,) to take the matter into their own hands as the consequences of which might be very injurious to themselves as well as their enemies.

Let them rely with confidence upon the justice of the President for the satisfaction due to them, and they will not be disappointed.

I am, &c.,

S. S. HAMILTON.

To Col. SAM'L. C. STAMBAUGH,
Acting Agent, Green Bay.

WAR DEPARTMENT, *September 9, 1831.*

SIR: In addition to the enrolment registers, directed to be opened by yourself and the agent, it has been thought best, on the suggestion of the Governor of Georgia, to appoint another person to aid in the performance of this duty. For this, Dr. David A. Reese, of Georgia, has been selected, with a compensation of four dollars per day, to include his expenses. He is stated to possess those qualifications which peculiarly adapt him to this employment.

He has been directed to report himself to you for instructions. These you will give him, upon the principles pointed out to you in my letter of the 1st instant; and you will also direct him as to the places where he shall be employed. It is not intended that either he or you shall be stationary, but that you shall both travel through the country wherever your services can be useful. You can employ an interpreter for yourself, and another for Dr. Reese, should it be necessary. I am very anxious that no exertion should be spared to forward this business of enrolment.

Very respectfully, &c.,

LEWIS CASS.

To B. F. CURREY, Esq.,
McMinnville, Tennessee.

WAR DEPARTMENT, *September 9, 1831.*

SIR: You are hereby appointed an enrolling agent, for the purpose of receiving the enrolment of such of the Cherokee Indians within the chartered limits of Georgia, as may be disposed to migrate to the country west of the Mississippi. Your compensation will be at the rate of four dollars per day, to include your expenses, while engaged in this duty.

You will report yourself to Benjamin F. Currey, esq., who has been appointed to superintend the removal of these Indians, from whom you will receive the necessary instructions.

Very respectfully, &c., &c.,

LEWIS CASS.

To Dr. DAVID A. REESE.

WAR DEPARTMENT,

Office Indian Affairs, September 9, 1831.

SIR: Your several letters in relation to ploughs, hoes, and axes, delivered to you for the use of the Indians, have been received.

I am directed, by the Secretary of War, to inform you that all these articles are to be forwarded to Fort Smith, on the Arkansas, directed to the care of Captain David McClellan, sub-agent for the Choctaws west, and to request you to take the necessary measures for their transportation to that point. Funds for the payment of the expense of transportation, &c., will be remitted to you as soon as the department is advised of the amount required.

The ploughs will be delivered to you at Pittsburgh; for the payment of which, and of the five hundred hoes, the sum of \$2,450 is directed to be remitted to you. When the accounts are paid and receipted, you will be pleased to forward them to the Department of War.

I am, very respectfully, &c., &c.,

S. S. HAMILTON.

To Major R. L. BAKER,

Alleghany Arsenal, Pittsburgh, Pa.

P. S. Mr. Harris is to furnish five hundred axes. When his contract for that number (and not six hundred, as he mentions in a letter of his to the department,) is completed, and you will advise the department of it, the amount required to pay him will also be remitted to you.

S. S. H.

WAR DEPARTMENT,

Office Indian Affairs, September 9, 1831.

SIR: Your letter of the 3d instant, enclosing Major Baker's certificate of inspection of five hundred (500) axes, made and delivered under the order to you of the 1st June, is received.

If you will refer to the order to you at that date, you will find that you are required to furnish five hundred axes, and not six hundred, as you state. When you have therefore furnished the five hundred required, you will have completed the contract; and your bill for that number only will be paid, through Major Baker, at Pittsburgh.

I am, very respectfully, &c., &c.,

SAML. S. HAMILTON.

To Mr. JOHN HARRIS,

Sterrett's Gap, Pennsylvania.

WAR DEPARTMENT,
Office Indian Affairs, September 9, 1831.

SIR: Your letter of the 3d ultimo was duly received. I am directed by the Secretary of War, to inform you that your several letters and reports relating to the exploring expedition, under the charge of Colonel Reynolds and yourself, with parties of the Choctaws and Chickasaws, were duly received. They were very satisfactory to the department; but owing to the press of business, it was not thought material at the time to advise you thereof.

The Secretary now directs me to say that all your proceedings, as detailed in the reports, are approved; and that you are authorized to proceed with the settlement of all the claims or balances yet due on account of the expedition, and draw on the department for funds (including the amount due for your own compensation) to pay the same.

The whole number of days consumed on the expedition will be allowed, and paid for agreeably to the promise to the chief, which it is desired may be faithfully performed.

Your accounts for the outfit and travelling expenses of the expedition were duly received, and the receipt immediately acknowledged by a letter from this office, which I infer has never reached your hands.

Soon after they were received here, they were passed to the Second Auditor's office for settlement. The attention of that officer is called to the subject; and as soon as the result is ascertained, it will be communicated to you by him.

On the subject of the road and other measures for the removal of the Choctaws, you will, as already advised, be answered from the subsistence department.

Very respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To Col. GEORGE S. GAINES,

Demopolis, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, September 12, 1831.

SIR: Ploughs, hoes, and axes, (500 each,) have been ordered to be forwarded from Pittsburgh to Fort Smith; 500 pairs cards and 310 rifles from Philadelphia, and 1,050 blankets, from New York, have also been ordered to be forwarded to the same place. These articles are all intended for the Choctaws, under the late treaty with them, and will be directed to your care. When you receive them, you will take good care of them until the Choctaws arrive, and are ready to receive them. Should it be necessary, you will cause to be erected cheap, but substantial, buildings, at a suitable site or sites, as store-houses, for the safe keeping and preservation of these, and any other articles that may be purchased for the Choctaws, in fulfilment of the provisions of the late treaty.

Major F. W. Armstrong is appointed agent for the Choctaws west, and may probably arrive at his post before the articles above referred to are received by you. In that event you will be governed by such further instructions as he may esteem it proper to give in regard to the preservation and

disposition of the same. In any event, it would perhaps be best not to issue any until you receive his instructions to do so, unless there should be some special reasons to render it necessary. A copy of this letter is enclosed to Major Armstrong for his information, and he may probably forward to you immediately some written instructions on the subject.

I am, very respectfully,

Your obedient servant,

SAML. S. HAMILTON.

To Captain DAVID McCLELLAN,

Sub-agent for the Choctaws west.

WAR DEPARTMENT,

Office Indian Affairs, September 12, 1831.

SIR: Your letters of the 23d and 27th ultimo were duly received.

The rifles to which you refer are intended for the Choctaw Indians, and I have to request you will take measures for the transportation of the same, as early as practicable, to *Fort Smith, Arkansas*, directed to the care of Captain David McClellan, sub-agent for the Choctaws west, at that place. It will be proper that insurance be effected on the rifles. The expense of insurance, transportation, &c., will be paid by the department, on being notified of the amount required to pay the same. These directions are to apply to the transportation of three hundred and ten rifles now in your possession. The rifles that may hereafter be inspected and placed in your charge, may not be required at the same point. You will, therefore, be pleased to notify the department when any more rifles are received by you on the same account; and particular instructions, as to the place to which they are to be transported, will be forwarded.

I am, very respectfully, &c., &c.,

SAML. S. HAMILTON.

To Captain P. FAYSSOUX,

Military store-keeper, Philadelphia.

WAR DEPARTMENT,

Office Indian Affairs, September 12, 1831.

SIR: I have the honor to inform you, that your report of the inspection of rifles, manufactured by Mr. Derenger, for the Indians, which was duly received, is satisfactory, and that directions are given to the military store-keeper, at Philadelphia, for the transportation of these rifles to the point where they will be required.

I am, very respectfully,

Your most obedient servant,

SAML. S. HAMILTON.

To Lieut. DANIEL TYLER,

Inspector of arms, &c., Springfield, Mass.

WAR DEPARTMENT,

Office Indian Affairs, September 13, 1831.

SIR: I enclose, for your information, a copy of a letter to Captain McClellan, sub-agent for the Choctaws west.

The three hundred and ten rifles referred to in the letter to Captain McClellan, are all that have yet been finished and delivered, and it has been thought advisable to order these to be transported to Fort Smith. If you should think some other point or points more convenient for issuing the rifles to the Choctaws, and will communicate your views and wishes to the department on the subject, the balance, (six hundred and ninety,) when received, will be ordered to be transported in conformity thereto.

With great respect, &c.,

SAML. S. HAMILTON.

To Major F. W. ARMSTRONG,
Indian Agent, &c., Knoxville, Tennessee.

WAR DEPARTMENT,

Office Indian Affairs, September 13, 1831.

SIR: Your letter of the 10th instant is received.

The amount of your account for the three hundred and ten rifles delivered for the Choctaws, will be remitted to you, as soon as the account can be passed through the usual Treasury forms.

I am, very respectfully,

Your most obedient servant,

S. S. HAMILTON.

To Mr. H. DERENGER,
Rifle manufacturer, Philadelphia.

WAR DEPARTMENT,

Office Indian Affairs, September 15, 1831.

SIR: A letter dated the 7th September, containing an estimate, &c., has been received from Col. McElvain, in which he mentions his intention to leave Columbus in about two days date thereof, to make arrangements for the removal of the Senecas. It may be probable, therefore, the letter to him of the 6th, giving him instructions on the subject of the removal of these Indians, did not reach him before his departure from Columbus. With a view to prevent any inconvenience from such a circumstance, I herewith enclose a copy of that letter, accompanied by a copy of the one to you of the same date, for you to hand to him on his arrival among the Senecas, in case he should not have received the original. It is hoped the instructions to Col. McElvain will satisfy all parties, and that the Senecas will soon take their leave of Ohio.

The rifles it was intended to have had forwarded from Philadelphia, but the Secretary considered it would expedite the business to authorize them to be purchased in Ohio.

I am, very respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To Capt. H. C. BRISH,
Sub-Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, September 15, 1831.

FRIEND AND BROTHER: I have received your letter of the 3d September. Some days before it came to hand, full instructions had been given to Col. McElvain, to carry into effect the provisions of the late treaty with the Senecas, and among other things to pay you for your services, as provided for by the treaty. No particular sum was mentioned. It is left to his discretion, and I have no doubt he will make the allowance to you as liberal as the chiefs who signed the treaty intended it should be.

In fixing upon the amount, therefore, it is expected he will be governed by the promise made to you by these chiefs. You can show this letter to Col. McElvain, who, it is believed, is every way disposed to do you ample justice. Wishing you a pleasant journey to your new home, and many years of health and prosperity,

I remain, your friend, &c.,

SAMUEL S. HAMILTON.

To GEORGE HERRON,
Seneca Interpreter.

WAR DEPARTMENT,

Office Indian Affairs, September 16, 1831.

SIR: The Secretary of War, before he left Washington, on Monday last, had obtained the President's assent to your request, for the appointment of another enrolling agent among the Cherokees; but, in the press of other matters, he forgot, at the time, to give the necessary directions to carry the arrangement into effect. These directions he has, however, forwarded from Philadelphia, and, in compliance therewith, I have now the honor to transmit to you the enclosed blank appointment, signed by the Hon. Louis McLane, Acting Secretary of War, with a request that your excellency will be pleased, after filling the blank with the name of such person as you may think suitable for the office, and conveying the appointment to him, to report the name of the person selected to the department, for its information.

Mr. Currey, the superintendent, &c., is advised of this arrangement.

I have the honor to be, &c.,

SAML. S. HAMILTON.

To his Excellency GEO. R. GILMER,
Milledgeville, Geo.

WAR DEPARTMENT, *September 16, 1831.*

SIR: You are hereby appointed an enrolling agent, for the purpose of receiving the enrolment of such of the Cherokee Indians, within the chartered limits of Georgia, as may be disposed to emigrate to the country west of the Mississippi. Your compensation will be at the rate of four dollars per day, to include your expenses, while engaged in this duty.

You will report yourself to Benjamin F. Currey, esq., who has been appointed to superintend the removal of these Indians; from whom you will receive the necessary instructions.

Very respectfully, &c.,

LEWIS CASS.

To REUBEN THORNTON.

WAR DEPARTMENT,

Office Indian Affairs, September 16, 1831.

SIR: I find that, in the letter to you of the 5th instant, your enquiry in relation to the Wyandots' wish to be permitted to send a deputation to the seat of Government, was not answered. I have, therefore, to add to what is said on the subject of the Wyandots in that letter, that the department would prefer you should, if practicable, conclude the treaty with these Indians in Ohio; but if you should find that a treaty cannot be had without gratifying them in their wish to visit the President, it would be better they should be indulged, rather than the treaty should fail. You will exercise sound discretion on the subject, and whatever course you may consider it advisable to adopt, I have no doubt will be approved by the department. It is presumed, however, the Wyandots will not desire to make the exploring visit west, and the visit to the President also, before the treaty is made. The privilege of choosing either is allowed them; but it would be very inconvenient to indulge them both; and it is hoped they will not expect it.

Your letter of the 7th instant, relative to the excitement among the Senecas, on the subject of their removal, is received. Some days before its receipt, full instructions were given to Colonel McElvain to make all necessary arrangements for the removal of these Indians, and to execute fully every promise made to them by the treaty, so far as it was necessary to be done, before their leaving Ohio. He was also instructed to pay the interpreter the compensation promised him by the treaty, and the little claim of Mr. Brish for provisions. It was stated to the department, that the Senecas would probably divide, and a part go by water and a part by land. In that event, Colonel McElvain is to accompany one of the parties, and Mr. Brish the other. If they should go in one party, Mr. Brish only is to accompany them. In either case, Colonel McElvain is to furnish him with funds to pay expenses as far as St. Louis. On the arrival of the Senecas at St. Louis, Mr. Brish is, under the direction of General Clark, to take charge of the whole, and conduct them to their lands, and remain with them for one year; to provide them with subsistence as stipulated for by the treaty; and, under the directions of General Clark, to attend to the execution of all other provisions of the treaty remaining to be executed, after their arrival at their new homes. The instructions to Colonel McElvain, Captain Brish, and General Clark, on this subject, it is believed, embrace every thing necessary; and it is hoped the Senecas will set out on their journey without any feelings of dissatisfaction whatever.

Your letter of the 7th instant, relating to the claim of Mr. Elliott for provisions, is also received. Mr. Elliott had previously arrived here and presented his claim. He was told it was not in a shape to be settled here: and that it would be necessary to refer him back to you, for you to pay it, or add your certificate of its correctness. As your views in relation to the claim are now known to the department, it can be settled here, if he will take what you state him to be justly entitled to; but I have not seen him, since the receipt of your letter, to make the inquiry. If any thing should be done with it, you will be advised thereof. I think it proper to observe, in justice to him, that he has stated nothing disrespectful of you.

I am, very respectfully, &c.,

SAML. S. HAMILTON.

To Col. JAMES B. GARDINER,
Special Agent.

WAR DEPARTMENT,

Office Indian Affairs, September 26, 1831.

SIR: Your letter of the 16th instant is received.

I concur with you in opinion, that the sum named by the Wyandot chiefs, to pay all the expenses of their proposed exploring party west, and back to Ohio, is not an unreasonable amount for that object; and, therefore, (in the absence of the Secretary of War, having no doubt he would approve the measure, if present,) authorize you to draw on the department for the said amount authorized; which, when paid to the chiefs or persons composing the exploring party, is to be considered in full of all expenses whatever, that may attend their expedition, and will be so stated in the receipts to be taken as your vouchers.

It is presumed, the chiefs having agreed to send the exploring party, will not also wish to send a deputation to the seat of Government. On the latter subject I wrote to you a few days ago.

By the same mail which conveys this, I send, agreeably to your request, a book containing the Indian treaties, laws, &c.

Very respectfully,

S. S. HAMILTON.

To Col. J. B. GARDINER,

Special Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, September 17, 1831.

SIR: I am directed to inform you that an additional enrolling agent, among the Cherokees, is to be appointed; the selection of whom is left to the Governor of Georgia. With a view to save time, a blank commission, from the hon. Louis McLane, Acting Secretary of War, is enclosed to the Governor, with a request to fill the blank. When the person thus appointed shall report himself to you, as directed in his commission, you are requested to give him the necessary instructions, as directed in the case of Doctor Reese, the enrolling agent already appointed.

I am, &c.,

SAMUEL S. HAMILTON.

To BENJAMIN F. CURREY, Esq.,

Sup't of emigration, &c.

WAR DEPARTMENT,

Office Indian Affairs, September 19, 1831.

SIR: Captain Fayssoux, military store-keeper, U. S Arsenal, Philadelphia, forwards to your care 31 boxes rifles, for the use of the emigrant Choctaw Indians, directed to Captain David McClellan, sub Indian agent at Fort Smith, Arkansas Territory, which you are requested to forward accordingly, as soon after you shall receive them as practicable. To enable you to meet any necessary expense, in complying with this requisition, you will please to draw

on the department, at sight, accompanying your draft with a bill of such expense.

Very respectfully, &c.,

SAML. S. HAMILTON.

To Captain DANIEL E. BURCH,

Assistant Quartermaster, N. Orleans.

WAR DEPARTMENT,

Office Indian Affairs, September 19, 1831.

SIR: Your letter of the 15th inst. is received. To enable you to meet the expense of insurance and freight on the rifles to be shipped to the care of Capt. Burch, Assistant Quartermaster on the New Orleans station, intended for the Choctaw emigrants, I propose that you draw on the Secretary of War a bill, at sight, which will be paid on presentation here, accompanied by a bill of the expense, &c. This mode is preferred to prevent the necessity of charging you with the amount, which would be the case if a remittance was made as you requested.

I am, very respectfully, &c.,

SAML. S. HAMILTON.

To Captain P. FAYSSOUX,

Military store-keeper, U. S. Arsenal, Phila.

WAR DEPARTMENT,

Office Indian Affairs, September 20, 1831.

GENTLEMEN: Your letter of the 17th instant is received. The invoice of the blankets, and other papers relating to the same, were immediately passed to the Second Auditor; and, as soon as they can be passed through the usual Treasury forms, the amount will be remitted to you, as requested.

It is impossible to form any opinion as to the number of blankets that may be required for Cherokee emigrants, until the report of the superintendent, on this and other points connected with the subject, is received; and, of course, no satisfactory answer to your inquiries can at present be given.

I am, very respectfully, &c.,

SAML. S. HAMILTON.

To Messrs. SUYDAM, JACKSON & Co., *New York.*

WAR DEPARTMENT,

Office Indian Affairs, September 28, 1831.

SIR: I have received your letter of the 23d instant. Agreeably to your suggestion, the contract with Mr. Harris, for axes, will be considered closed with the 489 delivered.

A remittance will be made from the Treasury for \$692 75, to enable you to pay the cost at the rate of \$17 per dozen, the price agreed upon.

Very respectfully,

Your obedient servant,

SAML. S. HAMILTON.

Major R. L. BAKER,

U. S. Arsenal, Pittsburgh, Penn.

WAR DEPARTMENT,

Office Indian Affairs, September 28, 1831.

SIR: Your letter of the 16th instant, announcing the death of Mr. Douglass, who was appointed to value the cattle of the Choctaw Indians, is received.

I am directed to request you to report immediately, on the receipt of this, the name of the person selected to perform the duties which had been assigned to the late Mr. Douglass, and also the proceedings of such person, so far towards the accomplishment of the objects particularly designated in the instructions to that gentleman.

A satisfactory performance of the duties assigned to the late Mr. Douglass, will require good judgment, and great discretion, and industry; and it is hoped, in the selection of the person to fill the vacancy occasioned by his death, a proper reference may be had to these requisites.

I am, very respectfully,

S. S. HAMILTON.

To Colonel WM. WARD,

Indian Agent, Choctaw Agency, Miss.

WAR DEPARTMENT,

Office Indian Affairs, September 28, 1831.

SIR: Your letters, one of 25th, and three of 26th ultimo, with the accompanying papers, have been received.

The account for presents delivered by General Street to the families of the Menomonies, who were killed by the Foxes, amounting to one hundred dollars, has been allowed by the Secretary of War, and will be filed, with other accounts of General Street, in the Second Auditor's Office.

The report of General Street, as to the evils resulting from the payment of the annuities in money, is no doubt correct. I do not see in what way these evils are to be remedied, except so far as it can be done by the vigilance and energy of the Indian agents. If the annuities be paid in goods, there is no security that these would not be traded or given away by the Indians, for the means of indulging their appetite for drink. But whatever can be done consistently with treaty stipulations and a proper regard to the wishes of the Indians, the Indian agents should, in the exercise of a sound discretion, do, to protect the Indians against the acts of designing men, as well as their own weakness and improvidence.

In relation to the differences between the Delawares and Panis, there are no means, at present, at the disposal of the department to pay the expense of the proposed meeting for settling them. Under these circumstances, the Secretary leaves it to your discretion to take such other measures through the agent, as you may esteem to be proper to preserve a good understanding between these tribes. Should these fail, and a meeting of the tribes be indispensable, you are required to report the facts to the department, accompanied by an estimate of the cost of such meeting, to be submitted to Congress for an appropriation.

As to the station of Major Dougherty's buildings, for his accommodation, an impression exists here that his services can be more usefully employed at Cantonment Leavenworth, (where he at present resides,) than at Council

Bluffs, where he was at first stationed. If you concur in this impression, his agency will be considered transferred from the latter to the former post. You are at liberty to cause the necessary buildings to be erected at the same, for his accommodation, out of the funds in your hands, applicable to such objects. But if you should be of a different opinion, your report on the subject is requested, before any measures are taken for the erection of the buildings.

The Secretary of War considers it within your discretion, and therefore leaves it to you to act upon the application of Mr. Chouteau, for the removal of his agency, as you may judge expedient; having due regard both to the convenience and interest of the Indians and the public. Mr. Choteau's objections to Mr. McNair, as sub-agent for the Osages, on account of his youth, appear to be reasonable; but, it is hoped, aided as he will be by Captain Anthony, who has been temporarily appointed by you to fill the vacancy occasioned by the death of Captain Pryor, (and which appointment, I have no reason to doubt, will be confirmed by the Secretary of War,) he will be able to keep Mr. McNair employed upon such subordinate duties of the agency as he is capable of performing, until qualified by time and experience to be entrusted with the more important ones.

The want of means prevents any arrangement, as proposed in your letter of the 2d instant, for an exchange of lands with the Shawnees, Delawares, and Kickapoos. The agent can, however, be directed to sound them, and report upon the subject, as you suggest.

I am, very respectfully, &c., &c.,
S. S. HAMILTON.

To General WM. CLARK,
Sup't Indian Affairs, St. Louis, Mo.

WAR DEPARTMENT,
Office Indian Affairs, September 30, 1831.

SIR: Your letter of the 13th instant is received.

As soon as your claim can be passed through the usual Treasury forms, the amount due for your services, under the instructions of the late Secretary of War, will be remitted to you.

In the rough copy of the instructions to you, filed in this office, the number of days to which you were limited, had not been altered from *fifty* to *sixty*, as in the copy which you have transmitted. The omission to make this in both copies, occasioned the mistake in the letter to you of the 29th ultimo; and I thank you for furnishing the means for correcting it.

I am, very respectfully, &c., &c.,
SAMUEL S. HAMILTON.

To Colonel JOHN LOWRY,
Mouth of Tellico, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 1, 1831.

SIR: Your letter to the Secretary of War, of the 30th August, is received.

The intelligence communicated by you, on the subject of removal, is very gratifying. From the favorable disposition of the Indians, and the measures which have been adopted by the department for their removal, and to carry into effect the various other stipulations of the late treaty, there is every reason to hope for a most favorable result.

In answer to your inquiry, as to the construction of that clause of the treaty *which provides for the building of houses for the chiefs*, I have to state that the construction placed upon it here is, that these houses, when built, are to be considered *as the property of the nation*, and *to be used as the residences of the chiefs*, (who may be elected, from time to time, to preside over the nation,) while in office only.

This, it is believed, is the true construction, and such, it is reasonable to presume, was the intention of the treaty provision. Your letter to me of the same date, in answer to inquiries contained in mine of the 19th July, on the subject of removal of the Choctaws, has also been received, and is satisfactory. Your suggestion will receive due consideration.

I am, very respectfully, &c., &c.,

SAML. S. HAMILTON.

To Col. GREENWOOD LEFLORE,

Chief N. W. District, Choctaw Nation.

WAR DEPARTMENT,

Office Indian Affairs, October 3, 1831.

SIR: I have received your letter of the 27th ultimo, and with it the account and vouchers for disbursements under the appropriation for carrying into effect the treaty with the Choctaw Indians, &c.

Very respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To Major R. L. BAKER,

U. S. Arsenal, Pittsburgh, Pa.

WAR DEPARTMENT,

Office Indian Affairs, October 3, 1831:

SIR: I have received your letter, of the 28th ultimo, to the Acting Secretary of War, with its enclosures.

I will thank you to procure from Mr. Fayssoux, the policy of insurance and bill of lading for the rifles shipped, and transmit the same to this office; on the receipt of which the bill of exchange, \$82 24, will be paid, by a remittance, as you request.

Very respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To TIMOTHY BANGOR, Esq.,

Comm'y Gen.'s Office, Philadelphia.

WAR DEPARTMENT,

Office Indian Affairs, October 4, 1831.

SIR: Your letter of the 20th ultimo was duly received.

The misunderstanding which, it appears, continues to exist between the

agent and yourself, is much regretted, particularly as it is calculated to place the department in a most unpleasant situation.

The Secretary of War being absent, I can only repeat to you the instructions already given, with the explanation that they were drawn with reference to the difficulties existing between you and the agent, and in a way which it was thought would satisfy all parties. If the Senecas move in one body, you alone are to accompany them. All the agent will have to do with you, in that event, is (as the proper officer, to make the disbursements required for the execution of the Seneca treaty before the Indians leave Ohio,) to purchase the articles required and make the necessary preparatory arrangements for the journey, and to furnish you with the funds to pay the expenses on the way. If they divide, one party going by land, the other by water, you are to conduct one of the parties, and Mr. McElvain the other. In this case, also, Colonel McElvain, after making the necessary preparatory arrangements, has only to furnish you with funds to pay the expenses of your party; for the disbursements of which funds and the safe conducting of the party, you will be responsible, not to him, but to the department. It is probable, after you set out, Colonel McElvain and yourself will not meet again until you arrive at St. Louis, where your official connexion with each other will cease altogether. For the funds that may be placed in your hands by Colonel McElvain for expenses, &c., you will account, through General Clark, the superintendent of Indian affairs at St. Louis, after you arrive there, and through whom you will thereafter receive funds to meet all further expenses that may attend your agency with the Senecas.

I think it proper to add, that it would be preferred by the department that the Senecas should go in one body, and by water, which is believed to be the most economical and convenient mode of travelling. If they should be inclined to adopt this course, Colonel McElvain will no doubt promptly attend, with your assistance, to every thing that may be necessary to be done in fulfilment of the treaty and of the comfort of the Indians, to enable you to leave Ohio with them with as little delay as practicable.

The department is desirous that they should be gratified in their wish for you to accompany them, and it would be a matter of regret that any thing should happen to prevent you from doing so. Convinced of your disposition to promote the interest and welfare of the Indians, I trust you will not permit any ordinary circumstance to prevent you from going with them to their new homes, and continuing to them your protection and kindness, as was designed.

Very respectfully,

SAML. S. HAMILTON.

To Capt. HENRY C. BRISH, *Sub-agent*, &c.

WAR DEPARTMENT,

Office Indian Affairs, October 5, 1831.

SIR: It has been represented to the department that the extension of the laws of Mississippi over the Choctaw country, has produced an impression that the laws of the United States, regulating trade and intercourse with the Indian tribes, are thereby superseded; and that, in consequence of this impression, facilities are afforded to the introduction of large quantities of whiskey among the Choctaws, producing an utter subversion of all order, &c.

The impression referred to is erroneous, and it is proper it should be forthwith corrected. The laws of the United States, relating to trade and intercourse, &c., are considered as still in force in the Choctaw country; and you are requested to notify all concerned of that fact, and to enforce the provisions of the same against all citizens who may be found engaged in selling liquors to the Indians in said country. And you are also requested to represent, in the strongest terms, to the Choctaws, if any, who may be concerned in purchasing and selling whiskey to their people, the serious injury they are inflicting upon them; and that, unless the practice be immediately given up, the consequences to them will be ruinous. If the practice complained of be permitted to be continued, it will, in all probability, produce serious difficulties to the execution of the late treaty, and greatly retard the removal of the Choctaws.

Policy, therefore, as well as humanity, requires that you use every exertion to arrest it, if practicable.

I am, very respectfully,

Your obedient servant,

SAMUEL S. HAMILTON.

To Col. WILLIAM WARD, *Indian Agent, &c.*

WAR DEPARTMENT,

Office Indian Affairs, October 5, 1831.

SIR: Your letter of the 20th ultimo is received. In reply to the wish of the chiefs to send a deputation to Washington this winter, I am directed by the honorable Louis McLane, Acting Secretary of War, to inform you, that a deputation of the Creek chiefs will be received by the President, and their expenses paid, *provided they come with full powers to negotiate a treaty*, in conformity with the wishes of the Government, heretofore communicated to them, *and not otherwise*. The answer to the other points in your letter, I am directed to inform you, is reserved for the return of Governor Cass.

I think it proper to add, in regard to the \$3,500 deducted from the Creek annuity of the present year, paid through you, that the matter will be examined into, so that it may be put right when the annuity of the next year is paid.

If a mistake has been made, it cannot be sooner corrected.

Very respectfully, &c.,

SAMUEL S. HAMILTON.

To Col. JOHN CROWELL, *Creek Agent, &c.*

WAR DEPARTMENT,

Office Indian Affairs, October 6, 1831.

SIR: Information has been received that the orders of the Government, in the distribution of the last Creek annuities, have not been complied with; and that large sums have been paid out, in discharge of judgments recovered by white citizens of Alabama from the red citizens of the same State. As the white citizen has no other claim on the red than he has on the white, for the payment of judgments recovered, that is, on his person and property, agreeably to the laws of Alabama, it is considered that there

is an impropriety in any interference on the part of the agent of the Government with the subject.

With a view, therefore, of ascertaining the correctness of the information received, I am directed by the Acting Secretary of War (the honorable Louis McLane) to call on you for a report as to the manner in which you have paid the last annuities, and whether any portion of them has been applied to the payment and discharge of judgments, as mentioned.

You will explain fully, in your report, your conduct as connected with the subject of these inquiries, and accompany it by such evidence as may be necessary to give the department correct information of all your proceedings in the matter.

I am, very respectfully,
Your obedient servant,

SAML. S. HAMILTON.

To Col. JOHN CROWELL, *Indian Agent, &c.*

WAR DEPARTMENT,

Office Indian Affairs, October 6, 1831.

SIR: Your letter of the 18th ultimo is received. It was not intended that any expense, and particularly to the amount mentioned by you, should be incurred under the instructions contained in the letter to you, of the 1st September.

The department has no funds at its control that can be applied to such expense. The object of the instructions in that letter, was simply to give you the views of the department for your government on the subjects therein referred to. If the Indians are disposed to yield to these views, (which it is presumed can be ascertained without any expense,) and it will not require any considerable expense to carry them into effect, you will be pleased to transmit a report on these points, for the consideration and direction of the department, before any further steps in the business are taken.

I have the honor, &c., &c.,

SAMUEL S. HAMILTON.

To General WILLIAM CLARK,

Superintendent Indian Affairs, &c.

WAR DEPARTMENT,

Office Indian Affairs, October 7, 1831.

SIR: On referring to the letter to you of the 29th June last, (which has been shown to the Acting Secretary of War,) in answer to yours of the 7th, it appears to be proper that, in the report you are required to make by the letter of yesterday, if you found it to be impracticable to comply strictly with the order of the 18th June, 1830, for the distribution of annuities, you should state fully and particularly why it was so, and in what way the annuities have been paid, and whether the payment has been so made as to give general satisfaction to the people of the Creek nation, accompanied by satisfactory evidence of that fact.

As the letter of the 29th June gave you no authority to interfere in regard to claims, it will be proper that you also state, in the report required,

the description of claims (if any) that have been paid out of the annuity, and how, and why they have been paid, whether before you had paid the money and taken the receipt of the Indians, or afterwards; and the agency you had, (if any,) and the authority under which you acted in the business. Full information on all these points will be necessary, as you will observe by the letter of the 29th June, before referred to, that it was not intended that you should, *as Indian Agent*, have any agency at all in the payment of claims out of the annuity.

I am respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To Colonel JOHN CROWELL,
Indian Agent, &c.

WAR DEPARTMENT, *October 7, 1831.*

SIR: You are hereby, with the approbation of the President of the United States, appointed special agent, (in the place of Mr. Douglass, deceased,) under the 16th article of the treaty of the 27th September, 1830, with the Choctaw nation of Indians, to value the cattle of said Indians, as stipulated for by said article, and dispose of them at public sale for the benefit of the United States.

In the event of your acceptance of this appointment, you will proceed, with as little delay as practicable, to the performance of the duties assigned you, agreeably to the instructions given to the late Mr. Douglass, (a copy of which is herewith enclosed,) with this modification, however, that the proceeds of the sales of cattle made by you, are to be received by Col. Ward, the United States' agent, and accounted for by him, for which purpose he is directed to attend the sales.

I am, &c., &c.,

LOUIS McLANE,
Acting Secretary of War.

To Col. JOHN W. BYRN.

WAR DEPARTMENT,

Office Indian Affairs, October 7, 1831.

SIR: I am directed to inform you that Col. John W. Byrn, of Alabama, has been appointed, by order of the President, in the place of the late Mr. Douglass, to value the Choctaw cattle, &c. Any appointment you may have made, is of course thereby superseded.

Colonel Byrn will repair immediately to the nation, and perform the duties assigned him, agreeably to the instructions given to the late Mr. Douglass, but with this modification, that he is (after valuing) to sell the cattle, and the proceeds of the sales are to be received and accounted for by you, as the United States' agent. You will accordingly attend the sales of cattle to be made by Colonel Byrn, for the purpose of collecting and receiving the proceeds of the same; the amount of which you will, from time to time, report to the department, and be held responsible for.

I am, very respectfully, &c., &c.,

SAMUEL S. HAMILTON.

To Col. WILLIAM WARD,
Indian Agent, &c.

WAR DEPARTMENT,
[*Office Indian Affairs, October 8, 1831.*

SIR: I have the honor to inform you that, agreeably to your recommendation, Col. John W. Byrn has been appointed, by order of the President, in the place of Mr. Douglass, deceased, to value the cattle of the Choctaws, &c. He is to act under the instructions given to Mr. Douglass, modified agreeably to your suggestion; that is, he is to sell, and the agent to receive and account for the proceeds.

The same mail that conveys this, conveys the appointment of Col. Byrn, directed to your care.

Very respectfully, &c.,
SAMUEL S. HAMILTON.

To General JOHN COFFEE,
Florence, Alabama.

WAR DEPARTMENT,
[*Office Indian Affairs, October 11, 1831.*

SIR: It is the wish of the President that the cattle of those Choctaws only, who will certainly move west this fall, should be valued. You will, therefore, confine your valuations, for the present, to the cattle owned by Indians who have made known their intention of removing immediately, or certainly in the course of this fall. Those Indians who do not intend to remove until next spring or summer, will be informed that their cattle will be valued in due time, so as to give them the full benefit of the treaty stipulation in relation to cattle. The valuation of these can be much more conveniently made early in the spring or summer, as may be necessary.

The cattle of such Indians (if there be any) as intend to remain where they are, are not to be valued at all.

You will consider this letter as a part of the instructions for your government in the performance of your duties. There will be, no doubt, many difficulties in the way of a satisfactory execution of these duties; but your judgment and discretion, in which great confidence is reposed, will direct you, when on the spot, as to the mode of managing the matters confided to you, that will be most advantageous for the interest of the Government.

I am, very respectfully, &c.,
SAMUEL S. HAMILTON.

To Col. JOHN W. BYRN,
Special Agent, &c.

WAR DEPARTMENT,
Office Indian Affairs, October 11, 1831.

SIR: I have received your letter of the 6th instant, with the papers which were enclosed.

The payment of your draft for \$82 24 is ordered, by a remittance, as requested in Mr. Bangor's letter of the 28th ultimo, with which you will be charged on the Treasury books, until the policy of insurance is received;

when the account will be settled, and the amount passed to your credit, according to the Treasury forms.

Very respectfully, &c.,
SAMUEL S. HAMILTON.

To Capt. P. FAYSSOUX,
Military store-keeper, U. S. Arsenal, Phila.

WAR DEPARTMENT,
Office Indian Affairs, October 12, 1831.

SIR: The enclosed copy of a letter to Col. Byrn, of the 11th inst., is transmitted for your information.

The original is directed to Col. Byrn, at the Choctaw Agency, and to your care, which you will please hand to him on his arrival.

I am, &c., &c.,
SAMUEL S. HAMILTON.

To Col. WILLIAM WARD,
Indian Agent, &c.

WAR DEPARTMENT,
Office Indian Affairs, October 17, 1831.

SIR: Your draft, for eleven thousand one hundred and eighty three dollars and fifty cents, in favor of the President of the United States, (Branch Bank at Nashville,) for payment of improvements abandoned by emigrating Cherokees, dated 17th September, has been presented at the department, and ordered to be paid.

Yours, respectfully, &c., &c.,
D. KURTZ, *Book-keeper.*

To Colonel HUGH MONTGOMERY,
Cherokee Agent, &c.

WAR DEPARTMENT,
Office of Indian Affairs, October 18, 1831.

SIR: Unless you have already done it, you will be pleased to furnish, for this department, 250 cotton cards, No. 8, and an equal number of wool cards, No. 5. Have them insured, and forward them without delay, according to instructions heretofore given.

My absence from this place, for some time past, has prevented an earlier reply to your last favor.

Respectfully, &c., &c.,
ELBERT HERRING.

To Mr. HENRY TOLAND.

WAR DEPARTMENT, *October 19, 1831.*

SIR: The President of the United States has appointed you a joint commissioner, with General John Coffee, to proceed to the Chickasaw and

Choctaw nations of Indians, to negotiate and arrange with the latter nation for a surrender of four and a half millions of acres of the tract of land of seventeen millions, laid out and patented to the Indians of that tribe, west of the Mississippi, in order that the Chickasaws may move with their elder brethren, the Choctaws, where they desire to be placed, beyond the limits of the Choctaws, and adjoining them.

Very respectfully, &c., &c.,

LEVI WOODBURY,

Acting Secretary of War.

To Major JOHN H. EATON.

WAR DEPARTMENT, *October 19, 1831.*

SIR: The President of the United States has appointed you a joint commissioner, with Major John H. Eaton, to proceed to the Chickasaw and Choctaw nations of Indians, to negotiate and arrange with the latter nation for a surrender of four and a half millions of acres of the tract of land of seventeen millions, laid out and patented to the Indians of that tribe, west of the Mississippi, in order that the Chickasaws may move with their elder brethren, the Choctaws, where they desire to be placed, beyond the limits of the Choctaws, and adjoining them.

Very respectfully, &c., &c.,

LEVI WOODBURY,

Acting Secretary of War.

To General JOHN COFFEE,
Florence, Alabama.

WAR DEPARTMENT, *October 20, 1831.*

SIR: The President of the United States having appointed you a joint commissioner, with General John Coffee, for the purpose of negotiating with the Choctaw tribe or nation of Indians, for a part of the seventeen millions of acres of land laid out and patented, west of the Mississippi, which it is desirable to obtain as a home for the Chickasaws, who desire to be their neighbors, of which you were notified yesterday, by the transmission of a commission so expressed.

The whole subject being so familiar to yourself and General Coffee, it is not deemed necessary to burthen you with particular instructions. The President, having the fullest confidence, commits the whole arrangement to your sound discretion, to pursue such measures as are best calculated to effect the object, in the most economical manner, and as soon as it can be done.

Your joint drafts on the department, for such funds as may be required, will be duly honored.

It is expected that you will keep the department regularly advised of all your proceedings.

Your compensation will be at the rate of eight dollars a day, while employed under your commission, with an allowance of eight dollars for every twenty miles' travel for expenses.

The accounts for your disbursements to be rendered, with suitable vouchers.

Very respectfully,
LEVI WOODBURY,
Acting Secretary of War.

To Major JOHN H. EATON, *Franklin, Tennessee.*
[Same to General JOHN COFFEE, *Florence, Alabama.*]

WAR DEPARTMENT,
Office Indian Affairs, October 22, 1831.

SIR: In reply to your letter of the 12th instant, you are informed that Benjamin F. Currey, esq., has been appointed superintendent of the removal of the Cherokees.

He will provide all necessaries for their subsistence and transportation, and, while he studies their economical removal, will, at the same time, be regardful of their comfort and convenience.

Mr. Currey will give you the requisite information on this subject, by writing to him at the agency house in the Cherokee nation.

Respectfully, &c., &c.,

ELBERT HERRING.

To the Honorable H. L. WHITE,
Knoxville, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 26, 1831.

SIR: Your letters of the 1st and 7th instant have been received, and the Secretary of War was much gratified with their contents. They were full, particular, and explicit; and I am instructed by the Secretary to assure you that they were precisely of the requisite character, giving all the necessary information of which you could then have been possessed, connected with the objects of your appointment.

The mode and route of transportation for removing the Indians to their destined home, are left entirely to your discretion; the Government having the utmost confidence in your knowledge of the subject, and in the exercise of your best judgment.

The agent of the Government having given his promise to that effect, the three families residing in Tennessee, and which have been heretofore enrolled, may accompany the expedition on the same terms and conditions with the other emigrants. Your suggestion of having the Government boats repaired, for the conveyance of the Indians, is approved. It would be an economical and desirable arrangement; and you will be pleased to direct the agent to have them refitted for this service.

The number of Indians to go in one body, you have properly limited to about five hundred; a less number might perhaps occasion more proportional expense, and a greater number might reach to confusion.

On the completion of your arrangements for their removal, I would suggest the expediency of your accompanying the first detachment, that you

may acquire a personal knowledge of the route, and of the best mode of taking charge of, conveying, and supplying the Indians. Until that shall have been done, it may be unnecessary to appoint any person to superintend this branch of the business. Your employment of Mr. Miller is approved by this department.

In a communication, dated the 12th of August last, and addressed to Col. Montgomery, the Secretary of War authorized him to assure the Cherokees, that the amount of improvements on their lands should be paid, on appraisement, previously to their departure. The faith of the Government, so far as it has been pledged by the lawful authority of its agents, must be kept inviolate. But, for reasons founded in the welfare of the Indians, the Government has been unwilling to pay them until after their arrival at the place of their destination. This has been the subject of much deliberation; and every day's reflection has increased the reluctance to pay them before their departure, and confirmed the policy of suspending payment, until they shall have arrived at the end of their journey. They are emphatically improvident, and extremely subject to the arts and designs of the unprincipled. It is to guard them against the exactions and impositions of the unfeeling and the crafty, that payment would be suspended. The Indians must be impressed, that abstracted from considerations touching their own well being, it is unessential to this Government whether payment be made to them before their departure, or after their arrival. There are some of our own people so entirely without honesty and good feeling, that they would despoil the Indians of all their means, utterly regardless of the sufferings to which such destitution would subject them in the land to which they are going. It is to protect them from the machinations of such men, that the Government prefers paying them after reaching their future residence. It is parental care watching over and providing for improvident children.

If it be possible that they entertain any distrust of the Government, can it not be obviated by the agents giving them promissory notes for the amount of their improvements, payable after their arrival at the west, to them only, in order to prevent their transfer? They would in this way be substantially paid before their departure; and such payment would secure them against fraud and imposition. You will exert yourself to the utmost to effect this mode of payment. If they should, however, be dissatisfied with this arrangement, and should still be importunate for money payment, could they not be prevailed upon to accept a moiety of their dues in Georgia, and the other half west of the Mississippi? You will consider this an undesirable expedient, not binding upon the Government. You will pulse them on this suggestion; and, perhaps, in the last resort, this alternative may be adopted: at all events, let no further unqualified promises be made to them of payment for improvements previously to their departure. After making proper representations to the Indians on this subject, you will report further as to their feelings respecting the time and place of payment.

You will be pleased to ascertain the value of the improvements of Judges Martin and Daniels, and report what they would take, and your opinion on the subject.

With much respect, &c., &c.,

ELBERT HERRING.

TO BENJAMIN F. CURREY, Esq.,
Supt. for emigrating Cherokees.

WAR DEPARTMENT,
Office Indian Affairs, October 26, 1831.

SIR: I have this day written to be B. F. Stickney, esq., that it is thought inexpedient to open a negotiation with the Ottaways, for the purchase of their remaining two reservations of land, at the mouth of the Miami river, unless the overture come from them; that any solicitude, on that subject, manifested by the Government, would increase their demands; and that, therefore, it was deemed advisable to let the business rest at present, unless they originate a negotiation.

The selection of Mr. Walker, to conduct the Wyandot delegation in their exploring journey, is approved; and your draft on this department for one thousand dollars, to defray the expenses, will be paid on being presented.

I am instructed to say, that you will, in your discretion, as public good may require, either remain to adjust the details of a treaty with the Wyandots, according to your suggestion, or previously come here to present your vouchers and close your agency.

Respectfully, &c., &c.,

ELBERT HERRING.

To JAMES B. GARDINER, Esq.,

WAR DEPARTMENT,
Office Indian Affairs, October 26, 1831.

SIR: It is deemed inadvisable to enter at present into a negotiation with the Ottaways, for the extinguishment of their title to their two remaining reservations of land at the mouth of the Miami river, unless the advance be made by them. Any solicitude of the Government on this subject, will occasion exorbitant demands on their part. It is, therefore, thought to be expedient to let this subject rest as it is, indicating an indifference about such extinguishment, unless the overture come from them. It is highly probable that they will wish to follow their brothers to the west, and, on the intimation of such a desire, it will be judicious to treat with them.

With much respect,

Your humble servant,

ELBERT HERRING.

To BENJAMIN F. STICKNEY, Esq.,
Tiffin, Ohio.

WAR DEPARTMENT, October 26, 1831.

SIR: In adverting to the instructions given by this department to your predecessor, Mr. Douglass, dated July 14th, 1831, a copy of which has been sent to you for your government, it has been found that there is a provision, which, if literally carried into effect, would operate injuriously to the interest of the United States. Instead of proceeding to value and receive all the cattle of the Choctaws at one time, and at the farm of each individual, you will execute this duty only when a party is prepared to remove; and immediately previous thereto, you will give notice to those Indians who are desirous

of disposing of their cattle, under the provisions of the treaty, to bring them together at some convenient place or places, where you will examine them and estimate their value. Such as are fit for beef cattle, you will turn over to the commissary, who will be directed to receive and issue the same. The others you will dispose of to the best advantage for the public interest, agreeably to the original instructions, taking care to give all requisite publicity of the day, place, and terms of sale, so that as much competition as possible may be created; and by selling these cattle together in larger numbers, greater inducements will be offered for purchasers to attend.

The valuation of the cattle, and the consequent immediate responsibility of the United States, at any other periods but these, when the emigrating parties are prepared to remove, would necessarily lead to an almost entire loss of the property.

The beef cattle could not be kept and used, but would be sacrificed; and others, or perhaps, the same purchased at exorbitant prices; and in fact the prices of all the cattle would be at most nominal, if they were sold from day to day, and from farm to farm, throughout the nation. The bidders could not be expected to attend, and great loss would ensue.

The President feels much solicitude upon this subject, and your particular attention is requested to it. All that will answer for provisions must be used for that purpose.

Very respectfully, &c., &c.,
LEWIS CASS.

To Col. JOHN W. BYRN,

Agent for estimating the value of the cattle of the Choctaws.

WAR DEPARTMENT,

Office Indian Affairs, October 27, 1831.

SIR: Yours of the 12th inst. was duly received. B. West's certificate for \$1,076 50 has been presented to this department, with several endorsements thereon, as appears below.

Certificate,	-	-	-	-	-	\$1,076 50
<i>Endorsements thereon:</i>	-	-	-	-	-	
Order to Cowan,	-	-	-	-	\$ 22 00	
“ “ Epperson,	-	-	-	-	52 00	
“ “ Daniel,	-	-	-	-	305 00	
Balance assigned to Carns, and paid.	}				-	697 50
The balance paid, was						
						1,076 50

You will avoid, far as is practicable, paying money to the Indians until they shall have arrived at the west. This course is dictated by considerations touching the welfare of the Indians. Their own improvidence, and the cupidity of others, subject them to fraud and imposition.

The Government is desirous to protect them from such evils, and is very tenacious on the subject. The policy of such practice springs from the kindest feelings, and the agents of the Government will, to the utmost, aid and enforce the system.

With much respect,

Your humble servant,

ELBERT HERRING.

To Col. HUGH MONTGOMERY, *Cherokee Agent, &c.*

WAR DEPARTMENT, *November 1, 1831.*

I have received your letter of the 13th ultimo, and regret that the first communication between us relates to a subject which is beyond the interposition of this department. You are aware that we have one great council fire, where our important national affairs are managed. We have also twenty-four smaller fires, where affairs of less importance are conducted. Within the district belonging to one of these council fires you reside. The people of that State, Alabama, claim the right of governing you as they govern your white brethren; of extending over you the same laws, affording to you the same protection, and requiring from you the same obedience. Your great father, the President, has not unlimited powers. He is bound by the constitution and laws; and, after examining these, he is satisfied that he cannot prevent the States from this exercise of their authority. So long, however, as they refrained from doing this, the General Government took charge of your whole concerns. But the State of Alabama having now included you in the great mass of her citizens, I trust you will yield cheerful obedience to her laws.

The United States will punctually fulfil all their treaty stipulations with you, which depend upon them. Of this you may rest assured, whether you remove or remain.

But, my friends, allow me to counsel with you. For twenty years I have been in habits of daily intercourse with the Indians. I have seen and lamented their misfortunes, and yet see and lament them. I am anxious, very anxious, that their condition should be improved, and themselves placed in a situation where they may be comfortable; where their women and children may be well supported, and their whole community become prosperous and happy. Can you expect this where you now are? In all my observations upon the condition of the Indians, I have not found a single tribe which is not poor, dispirited, and declining; feeling their immediate unhappiness, and looking forward to no favorable change. And why is this? You know as well as I do, it is because your people will drink ardent spirits, will be indolent, and will associate with our bad citizens. Their habits are thus destroyed, and they give themselves up to all manner of vice. Can you avoid this state of things in your present situation? Can you anticipate any increase in your numbers, improvement in your morals, melioration in your condition, or any security for the future? We should deceive ourselves as well as you, if we held out the prospect of any such favorable change; you have but one remedy before you, and that is to remove to the country west of the Mississippi, and there establish yourselves permanently and happily.

I know it is hard to leave your native district, the place where your fathers' bones are laid. But I have done the same, and large numbers of our citizens are every year doing so; passing from one part of this great island to the other, and there fixing themselves for life. We all naturally respect our ancestors; but our duty to the living is greater than that to the dead; and your attachments should be directed rather to places of subsistence than to those of sepulchre.

Your great father takes a deep interest in your welfare. I know this for I have often heard him express his sentiments upon subjects relating to his red children. Believe no one who tells you a contrary story. Shut your ears to such talk. It is carried only by bad birds and for bad purposes.

Now, your great father is ready to give you a valuable country beyond the Mississippi for that where you reside, to pay for your improvements, to

bear the expenses of your removal, to issue provisions for your support during one year, and to give you such other valuable consideration as may be mutually agreed on.

There you will have a fine climate, a fertile soil, room to spread and increase, and ample means of subsistence, both as agriculturists and hunters. You will be remote from the white people, independent of any State authorities, and allowed to manage your concerns in your own way; you can establish yourselves permanently and comfortably, with every prospect of increasing in numbers and happiness.

Every thing which can with propriety be done by the Government, shall be done to forward your views, if you determine to remove. It is not with your great father a question of expense. Although determined to be economical, as every wise man will be, in all his expenditures, yet he is equally determined that all reasonable allowances shall be made, which the comfort of his red children requires.

Consider, then, your condition as it is; look at the choices before you; and may the Great Spirit guide you in the decision you may make, to a result which will secure your permanent welfare.

Your friend and brother,
LEWIS CASS.

TO NEHAH MICCO, AND OTHER CHIEFS,
Of the Creek Nation of Indians.

WAR DEPARTMENT,
Office Indian Affairs, November 1, 1831.

SIR: The accompanying communication is addressed to Nehah Micco and other chiefs of the Creek nation of Indians, on the expediency of their removal to the west.

You will have the kindness to see that it is properly delivered, without delay.

With much respect,
Your humble servant,
ELBERT HERRING.

Colonel JOHN CROWELL,
Creek Agent.

WAR DEPARTMENT, *November 1, 1831.*

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 18th ultimo.

Without entering into a consideration of the various subjects to which you have referred, in relation to the claim of the New York Indians to land at Green Bay, I confine myself to the remark, that it is certainly desirable that this controversy should be terminated. And as I consider it important, not only to the parties whose interests are involved, but also to the prosperity of that frontier, that some amicable arrangement should be made, if possible, by which these conflicting claims might be reconciled, and the whole matter finally adjusted. It does not appear to me that the Menomo-

nie treaty, to which you refer, interposes any serious obstacles to such arrangement. Should it be found, in the progress of the affair, that any change in the stipulations of that treaty would be necessary, I anticipate no difficulty in procuring the assent of the Menomonies, upon a proper consideration, to such change.

Upon this view of the subject, Mr. Ogden can judge whether it would be expedient for him to repair to this place. If he should determine to do so, I will, with much pleasure, discuss the whole matter with him, in the hope that such discussion may eventually lead to an arrangement which will be mutually acceptable and beneficial to the parties.

Very respectfully, gentlemen, &c., &c.,

LEWIS CASS.

To T. L. OGDEN and CHAS. G. TROUP, Esqrs.

WAR DEPARTMENT,

Office Indian Affairs, November 1, 1831.

SIR: Your letter of the 18th ultimo, with its enclosures, has been received.

I am instructed, by the Secretary of War, to say that he coincides in opinion with you as to the expediency of H. R. Schoolcraft's proceeding with the Portagunnisee Indians, of Drummond's Island; and that his engagements with them will be fulfilled by this department.

With much respect, &c.,

E. HERRING.

His Excellency GEO. B. PORTER.

WAR DEPARTMENT,

Office Indian Affairs, November 2, 1831.

SIR: In your letter of 17th ultimo you state that Mr. Dixon, the contractor, had furnished for this department 500 ploughs, with the quality of which you was fully satisfied; and that they were furnished by him at a low price as an inducement to obtain another contract for an additional 500, which the late Secretary of War informed you would be wanted next spring for the use of the Choctaws.

You will therefore have the kindness to employ Mr. Dixon to provide 500 ploughs, to be delivered next spring, according to instructions, which will be sent to him by this department.

With much respect,

Your humble servant,

ELBERT HERRING.

To Major R. L. BAKER.

WAR DEPARTMENT,

Office Indian Affairs, November 2, 1831.

SIR: Your letter of the 26th ultimo, enclosing a copy of the preliminary agreement with the chiefs of the Wyandots for a cession of their lands, has been duly received.

On receiving your promised detail of your operations among the Ottaways and Wyandots the views of this department on the subject will be communicated to you.

With much respect,

Your humble servant,

ELBERT HERRING.

To JAMES B. GARDINER.

WAR DEPARTMENT,

Office Indian Affairs, November 2, 1831.

SIR: The policy of insurance on the cotton and wool cards shipped to Fort Smith, Arkansas, agreeably to order, enclosed in your letter of 1st instant, is received.

Your account for the articles is now with the Second Auditor, and the amount will be remitted to you as soon as it can be passed through the usual Treasury forms.

Very respectfully, &c.,

ELBERT HERRING.

To HENRY TOLAND, Esq., *Philadelphia.*

WAR DEPARTMENT,

Office Indian Affairs, November 5, 1831.

SIR: Your communication of the 3d ult. has been received by the Secretary of War, and submitted to the President for consideration.

The present mode of disposing of the reserved lands of the Indians, may have subjected you to inconvenience, and to ungenerous and malevolent observation. Your suggestion, therefore, seems to be well suited to obviate the cause of complaint. But the existing practice has been adopted on general grounds; and, having respect to uniformity of proceeding, cannot, at present, be departed from.

If, however, on further reflection, any change should be contemplated, conforming to your views of the subject, I shall take pleasure in communicating the same promptly.

With much respect, &c.,

ELBERT HERRING.

Gen. JOHN TIPTON.

WAR DEPARTMENT,

Office Indian Affairs, November 8, 1831.

SIR: Your several communications of 23d September and 20th October, addressed to the Secretary of War, have been duly received, together with their enclosures, and I am instructed to make the following reply to their contents.

There is every reason to believe that, in relation to the alleged outrage on certain Cherokees by Georgia troops, the statement in Mr. Ross's letter to you is very wide of the truth, and that he has been greatly misinformed. But, according to the President's views of his authority, redress for injuries

sustained by the Cherokees, within the territorial limits of Georgia, must be sought from the tribunals of that State, on the same principle that offences against the laws of any other State are answerable before its tribunals. A due observance of the laws of the land will certainly secure to the Cherokees, full as much as to the white citizens, protection and indemnity; and all cause of complaint may henceforth be avoided by submitting to the laws, which cannot be violated without peril and punishment. Obedience to the laws, on their part, would secure to them the protection and safety of the Government. Impress upon their minds that obedience and protection are reciprocal duties; and that, if they obey the laws, the Government will throw around them the shield of protection.

The treaty points out the only mode in which payments can be made for improvements on Indian lands. Of course the proposition of Mr. Walker for relinquishing his possessions is altogether inadmissible. The provisions of the treaty, touching improvements on lands, form the only basis of relinquishment which the Government can sustain.

In the President's opinion, sound policy demands a tenacious adherence to the present arrangements for enrolling and removing the Cherokee nation; and he is, therefore, disinclined to any measure that might interfere with their regular operation. Should these, however, fail of their object, he would then see no impropriety in entering into an arrangement with any respectable portion of the tribe which might be desirous of going upon other principles than those provided in the treaty. On this subject he requests you to confer freely and fully with Mr. Currey, and to furnish your joint opinion on the course suggested, and whether it would probably lead to success. You will be pleased to state, according to your best judgment, how many would probably treat on the substituted plan, and what effect it would be likely to produce on further enrolment. It is intended, however, that this subject shall be matter of confidential consultation between yourselves for the further consideration of the Government; and that you shall by no means hold out any idea of the kind to the Indians, until advised so to do from this department.

Very respectfully,

ELBERT HERRING.

To Colonel H. MONTGOMERY.

WAR DEPARTMENT,

Office Indian Affairs, November 8, 1831.

SIR: Your letters of the 5th ultimo were duly received. Agreeably to the request contained in one of them, I herewith forward a copy of the treaty with the Seneca Indians of Ohio, under the provisions of which they are now moving west.

I am, very respectfully,

Your obedient servant,

ELBERT HERRING.

To General W. CLARK,

Sup't Indian Affairs, St. Louis, Mo.

WAR DEPARTMENT,

Office Indian Affairs, November 9, 1831.

SIR: This department is in possession of your letter of the 18th ultimo,

with the accompanying papers. In reply, I beg leave to state, in conformity with the sentiments of the Secretary of War, that there does not appear to be any objection to the carrying into effect the arrangement of the Chippewa chiefs of Sault St. Marie to give the to Chippewas of Grape Island the land proposed.

In relation to the aid prayed for on behalf of the latter, to be furnished with agricultural instruction and implements, it is proper that a memorial should be made to this effect, by themselves, after their removal, accompanied by an authenticated report of their number and condition; after which, it is apprehended, if the state of the appropriation will justify it, there will exist little difficulty in procuring the assistance of the Government for the furtherance of objects that so well accord with its humane policy in regard to the Indian tribes.

The establishment of a common school on Grape Island, which is also the subject of application by the Chippewa chiefs, has been considered; but its decision must, at this time, in some measure, depend on the extent of appropriations made from the funds set apart for the object; which, it is believed, are nearly or quite absorbed. I am instructed, however, to obtain information on this head from the proper quarter; and, if the present means should be found adequate, shall be happy to communicate to you the probable success of the application.

Very respectfully, &c.,

ELBERT HERRING.

Hon. G. B. PORTER.

WAR DEPARTMENT,

Office Indian Affairs, November 9, 1831.

SIR: Yours of the 5th ultimo, to the Secretary of War, is placed before this department for reply, after due consideration of its contents.

The application of certain chiefs and head-men of the Chickasaws, made through their petition enclosed therein, appears rather of a private nature; and, as such, would contravene the policy of the Government aiming at individual distribution of the Indian annuities. The Government is altogether disinclined to sanction any measure trenching on this principle; experience having shown that the simplicity of the Indian is easily abused, and that impositions are often practised through the unbounded influence of chiefs and head-men, without regard to the privations and wretchedness that may ensue. In conformity with these views, it will be necessary, in this particular case, that a more detailed statement be furnished, and that it be made to appear more satisfactorily, that the request made by the petition is of national import, and is supported by national or general sanction.

Very respectfully, &c.,

E. HERRING.

Colonel BENJAMIN REYNOLDS.

WAR DEPARTMENT,

Office Indian Affairs, November 10, 1831.

SIR: In reply to your letter of the 20th ultimo, placed by the Secretary of War before me, I am instructed to state that your suggestions, in relation

to the employment of, a surveyor, to be accompanied by the sub-agents, Hughes and Bean, with a suitable number of Indians from the tribes interested, are in accordance with the views of the Government.

It must be borne in mind that the sum of nine thousand dollars is appropriated for the proposed survey; and that, of course, the expenditures to complete it must be kept within that limit.

A similar survey was made by Mr. Lyon last season, under the Prairie du Chien treaty, at the rate of six dollars and twenty-five cents per mile, for every mile actually run, allowing nothing for random lines.

The work was well done, and gave great satisfaction.

This department has full confidence in Mr. Lyon's skill and integrity, and would have appointed him, had he not been engaged in an important survey under the direction of the Government, and it is not known whether he can execute the proposed survey of the Indian boundary in good season.

If he can, he is recommended for that service, provided he will do it upon proper terms. If he cannot execute it in due time, and for adequate compensation, you will be pleased to employ some other person.

With these remarks, it is submitted entirely to your discretion to engage for the execution of this survey at a certain compensation per mile for the entire work, or the Government will pay all the expenses of the work, with an allowance to the surveyor and two sub-agents of five dollars per day for each, and of such sum for presents to the accompanying Indians as you may think proper; taking care, however, that the total expense of its completion shall, in no event, exceed the appropriation; for, if it should, the excess cannot be paid by this department.

With much respect,

Your humble servant,

ELBERT HERRING.

To General Wm. CLARK.

WAR DEPARTMENT,

Office Indian Affairs, November 11, 1831.

SIR: Your two letters of 3d instant have been received.

In a few days, directions will be given for the transportation of the rifles which have been received of Mr. Derenger and Mr. Tryon.

Mr. Tryon is requested to furnish one thousand capsules to accompany each percussion rifle received of him, and for which you will be pleased to pass to him your receipt when delivered.

I am, very respectfully,

Yours, &c., &c.,

ELBERT HERRING.

To Capt. P. FAYSSOUX, *Military S. K.,*

U. S. Arsenal, Schuylkill river, near Phila.

WAR DEPARTMENT,

Office Indian Affairs, November 11, 1831.

SIR: Your accounts for one hundred and twenty rifles complete, with the exception of the capsules, have been received.

As the capsules are indispensable to the use of the percussion rifle, and cannot be procured in the Indian country, you are requested to furnish Captain Fayssoux with one thousand to accompany each rifle, and forward

his receipt with your account for the same, which, when received, will be added to your account for the rifles, &c., and the whole amount sent to you in one remittance.

I am, very respectfully, &c., &c.,
E. HERRING.

TO MR. GEORGE W. TRYON,
Rifle-manufacturer.

WAR DEPARTMENT,
Office Indian Affairs, November 15, 1831.

SIR: Littlebury Hawkins, esq., having declined to accept the appointment of appraiser to assess (in conjunction with J. M. C. Montgomery) the value of the property that may be abandoned by such Cherokees as are disposed to remove west, &c., I have the honor to state, for your information, that William M. Davis, esq., of Hartford, Kentucky, has been appointed to fill the vacancy, and is directed forthwith to report himself for duty to you at the Cherokee agency.

Very respectfully, &c.,
ELBERT HERRING.

TO BENJAMIN F. CURREY, Esq.,
*Superintendent of Emigration, &c.,
Cherokee Agency, Calhoun, Tennessee.*

WAR DEPARTMENT,
Office Indian Affairs, November 15, 1831.

SIR: Mr. Hawkins, who was appointed an appraiser, in conjunction with J. M. C. Montgomery, to assess the value of the property that may be abandoned by Cherokee Indians who may be disposed to emigrate from Georgia to the country west of the Mississippi, having declined to accept the appointment, I have the honor, by the direction of the Secretary of War, to inform you that you have been selected, and are hereby appointed, to fill the vacancy, at the same salary, viz. \$1,000 per annum.

You will be pleased to notify the department immediately on the receipt of this, of your acceptance or non-acceptance of said appointment. In the event of your acceptance, you will forthwith repair to the Cherokee agency, and, after reporting yourself to Benjamin F. Currey, esq., the superintendent of emigration, &c., who is now at the agency, will, when required by him to do so, enter upon your duties in conjunction with Mr. J. M. C. Montgomery, in conformity to the instructions to Mr. Hawkins, the original of which, having been returned by him, is herewith enclosed for your information and government.

Very respectfully, &c.,
ELBERT HERRING.

TO WILLIAM M. DAVIS, Esq.,
Hartford, Kentucky.

WAR DEPARTMENT,
Office Indian Affairs, November 15, 1831.

SIR: It is the desire of the Secretary of War that you take immediate

measures to have all the old rifles at the western Choctaw agency repaired, and put in good order, as soon as practicable. If the services of an additional gun-smith be necessary to have this work done in reasonable time, you are authorized to employ one.

You are also authorized to call on Col. Arbuckle, commanding at Cantonment Gibson, for such aid as he may be able to afford from the force under his command, in cutting a road from Fort Smith, or any point that may be considered more eligible above, on the Arkansas, across to Fort Towson, on Red river. The road referred to is, however, not to be opened, unless you should find it to be indispensably necessary for the transportation of supplies, and the performance of other duties connected with the execution of the late Choctaw treaty.

I am, very respectfully, yours, &c.,

ELBERT HERRING.

To Major F. W. ARMSTRONG,

Agent for the Choctaws west.

WAR DEPARTMENT,

Office Indian Affairs, November 17, 1831.

SIR: It having been represented to the department, by the agent for the Choctaws west, (who is now here,) that the Indians will not be satisfied with the percussion lock rifles, Mr. Derenger and Mr. Tryon have been requested to furnish the rifles (having percussion locks) recently delivered by them, with flint locks in lieu of the percussion. You are therefore requested to deliver the rifles to them, to enable them to make the change desired, for which they will pass their receipt to you, to be returned as soon as the change is made.

When the rifles are returned to you with good flint locks on each, (of which you will be pleased to notify the department,) it is requested that you take immediate measures for their transportation to Fort Smith, on the Arkansas river, directed to the care of Major Francis W. Armstrong, agent for the Choctaws west. It is very important that the rifles, after they are returned to you, be got off with the least possible delay; otherwise they will not reach the point at which they are required in time to be delivered to the Indians when they arrive there.

The change in the locks of the rifles will render it unnecessary for Mr. Tryon to deliver the capsules, as requested a few days ago.

I am, very respectfully, &c., &c.,

E. HERRING.

To Captain P. FAYSSOUX,

U. S. Military S. K., near Philadelphia.

WAR DEPARTMENT,

Office Indian Affairs, November 17, 1831.

SIR: It has been represented by Major Armstrong, the agent for the Choctaws west, (who is now here,) that the Indians will not be satisfied with the percussion lock rifles; and he has therefore requested that rifles with flint locks only may hereafter be furnished.

With the view to satisfy the Indians, it is the desire of the Secretary of

War that all the rifles with percussion locks which have been recently delivered by you, and are now in charge of Captain Fayssoux, the United States' military storekeeper near Philadelphia, may be furnished with flint locks in lieu of the percussion, and that none but rifles with flint locks be hereafter delivered. Any reasonable expense (should there be any) that may attend the changing of the percussion for the flint lock, on the rifles which have been delivered, will be paid by the department. It is very important that the change in the locks be made with the least possible delay, as the rifles will probably not reach the point at which they will be wanted in proper time unless they can be got off very soon.

To enable you to make the proposed change, Captain Fayssoux is requested, upon your receipt for the same, to return to you the rifles which you recently delivered.

I am, very respectfully, &c., &c.,
ELBERT HERRING.

To Mr. H. DERENGER,
Rifle-manufacturer, &c., Philadelphia.

[Same to GEO. W. TRYON, with addition of the following P. S.:

P. S. The change in the locks of the rifles will render it unnecessary for you to deliver the capsules as requested a few days ago.]

WAR DEPARTMENT,

Office Indian Affairs, November 18, 1831.

SIR: I am directed to inform you that the department has decided that the Choctaws have the right, under the late treaty, to make relinquishments until the 1st day of January, 1832; and that any one entitled to a reservation of land, under *any provision* of the treaty, may, within the period mentioned, relinquish the same, if he prefer doing so. You will inform the chiefs of this decision, and, as soon as practicable after the expiration of the period aforesaid, return a complete copy of the list of claims to reservations left with you by Major Armstrong, showing in the proper column the name of each person who may relinquish his claim.

The claim of Thomas Wall and others to reservations, whose names have been omitted, or improperly entered in the late treaty, will be submitted to Congress; by which body only any errors of this sort that may have been made in the treaty can now be corrected.

I am, very respectfully, &c., &c.,
E. HERRING.

To Colonel WM. WARD,
Choctaw Agent.

WAR DEPARTMENT,

Office Indian Affairs, November 21, 1831.

SIR: To enable Colonel H. Montgomery, the Cherokee agent, to obtain funds to pay the expenses of emigrants from the Cherokee nation, I am directed to inform you that he has been authorized to draw on the Department of War for a sum not exceeding \$10,000, and to request funds to that amount may be advanced to him by the Branch Bank at Nashville, on his

drafts: all of which will be promptly paid when presented at the department.

I am, very respectfully, &c., &c.,

E. HERRING.

To the CASHIER OF THE U. S. BANK
at Nashville, Tennessee.

WAR DEPARTMENT,

Office Indian Affairs, November 21, 1831.

SIR: Your letter of the 31st ultimo was duly received. The letter to you of the 26th ultimo (which had not reached you at the date yours was written, but is presumed to have been since received,) embraces the views of the department in relation to paying the Indians for their improvements. After the promises (if any) that were made to the Indians by the sub-agent, (Colonel Williams,) or yourself, previous to receipt of that letter, have been carried into effect, no further payments for improvements are to be made until the Indians shall have arrived at their destination west of the Mississippi; nor are any certificates for improvements to be given to the Indians until after the valuation of the appraisers shall have been forwarded to the department, and returned *approved*.

In regard to funds, the agent is authorized to draw on the department for \$10,000, which, it is presumed, will be sufficient to meet all the expenses of your operations within this year.

If the services of more persons than those who have been sent to you are required, you are at liberty, under the instructions which have been given to you, "to employ such other persons as may be necessary to aid, &c.;" to employ intelligent Cherokees, (in lieu of white persons,) who are willing to engage in the duty, not, however, as secret agents, to operate privately—a course which the department is opposed to adopting,) but as public agents to aid you openly in the accomplishment of the great object, the removal of the Cherokees.

The department can be at no expense on account of the hunting horses and dogs of the emigrants.

I am, &c., &c.,

ELBERT HERRING.

To BENJAMIN F. CURREY, Esq.,
Sup't of Emigration, &c., Cherokee Agency, Tenn.

WAR DEPARTMENT,

Office of Indian Affairs, November 21, 1831.

SIR: To enable you to comply with the requisitions of the superintendent of emigration, for funds, you are authorized to draw on the department for a sum not exceeding \$10,000.

The Branch Bank of Nashville is requested to pay your drafts for that amount. The enclosed copy of a letter to Mr. Curry, of this date, is transmitted for your information and government.

Before acting upon your suggestions in relation to the removal of the agency from its present site to one nearer the centre of the Cherokee nation,

the Secretary of War desires that you would report what expense would be necessary to enable you to effect that measure in case it should be authorized.

With respect to the route, &c., for the removal of those emigrants who go from the south side of the nation, it is fully within the authority given to Mr. Currey to designate the route and mode of removal which he may think best.

I am, very respectfully, &c., &c.,

E. HERRING.

To Col. H. MONTGOMERY,

Cherokee Agent, Calhoun, Tennessee.

WAR DEPARTMENT, *November 24, 1831.*

SIR: Your letter of the 7th instant, upon the subject of the Cherokee emigration, has been received, and the suggestions therein contained duly considered.

The President is opposed to any payment being made to emigrating Indians for abandoned improvements, until they have arrived at their new homes, or have embarked on board of boats for their place of destination, except where a promise has been previously made to the Indians that they should be paid before removing: *such a pledge* must be redeemed.

It will doubtless appear to you, upon reflection, highly improper, and injurious to the interests of the common Indians, to pay them for their improvements before leaving the country. Advantage would be taken of their ignorance, and improvident disposition, by designing white men and speculators; and, by the time they would be ready to embark, in all probability, they would not have a single dollar remaining.

To remove the objection that some of the Cherokees cannot emigrate until their debts are paid, you are authorized to pledge the faith of the Government, (with the consent of the debtor,) for the payment of these debts, (provided they do not exceed the amounts respectively due the emigrants by the Government for their improvements,) so soon as they shall embark, and are on the way to their new homes.

In the appraisement of abandoned improvements, you will be governed strictly by previous instructions. The most suitable time for calling upon the appraisers to proceed in the discharge of that duty is left to your sound discretion; but the *approval* of their valuation is to remain with this department, agreeably to the instructions heretofore given.

To appoint secret agents, as suggested in your letter, for the purpose of influencing such of the Indians as are supposed to be friendly to emigration, and are only restrained from a fear of their chiefs, would not only be injudicious and impolitic, but would subject the Government to censure for pursuing a course towards that unfortunate and deluded people savoring too much of bribery and corruption. I have no doubt, however, but the suggestion was made from the purest motives.

The Government has no power to coerce the departure of the Indians either before or after enrolment. The act must be voluntary. A home is provided, and advantages offered them. If they accept, the benefits resulting therefrom are incalculable; but, if they refuse the proffered boon, wretchedness and misery will inevitably follow.

The assessors would not be justified in appraising any abandoned improvements, except within the chartered limits of Georgia.

The per diem allowance to the assistant enrolling agents is to cover *all* expenses, and to be in full for their services, for which, and the pay of the interpreters, (upon the terms mentioned,) you can draw upon the agent in their favor.

Should there not be blankets and kettles sufficient to furnish the emigrants agreeably to the ratio mentioned in your letter, you will purchase from some of the neighboring cities, (if to be had,) the number required; and, if not to be obtained, upon your reporting the fact to the department, they will be furnished.

The agent has suggested the propriety of removing the agency to the centre of the nation. He has been instructed to report what would be the expense attending it. When his report upon the subject is received, the department will decide, which it is probable, will meet your views and suggestions with regard to the establishment of a branch of the agency in Georgia.

Your construction of the 8th article of the treaty relative to the bounty of \$10 is correct.

The enrolling system being confined to the Cherokees within the chartered limits of Georgia, it is not competent for the enrolling agents to permit an exchange of lands between the Cherokees within these limits, and Indians of other States, for the avowed purpose of the latter being enrolled as emigrants from the Cherokee country.

The United States will pay the expense of all horses necessary to the transportation of baggage, &c., except that of forage; and all others are to be removed at the expense of the owners.

Very respectfully,

Your obedient servant,

JOHN ROBB,

Ch. Clk. of the War Department.

To BENJAMIN F. CURREY, Esq.

Superintendent of emigration, &c.

WAR DEPARTMENT,

Office Indian Affairs, November 24, 1831.

SIR: I have received your letter of the 21st instant. Your proposition to give flint lock rifles in exchange for those recently delivered with percussion locks, instead of changing the locks, as requested in my letter of the 17th instant, is accepted. And, in order that they may be placed in charge of Captain Fayssoux for transportation, with the least possible delay, you are requested to call on the inspecting officer, now in Philadelphia, (Mr. Sage,) to inspect the rifles given in exchange, as well as the others which you state you have ready for delivery; to which request, as it is made at the desire of the department, it is presumed he will give the earliest attention.

I am, &c.,

E. HERRING.

To Mr. HENRY DERENGER,

Rifle manufacturer, Philadelphia.

WAR DEPARTMENT,
Office Indian Affairs, November 25, 1831.

SIR: Yours of the 19th instant is now before me; and, in reply, I have merely to state, that you will be pleased to alter the rifles ordered by the department, according to your last instructions. The appropriation for that article having been exhausted, no other order for further supply will be issued, until provision be made for payment.

With much respect,

Your obedient servant,

E. HERRING.

To Mr. GEORGE W. TRYON.

WAR DEPARTMENT,
Office Indian Affairs, November 28, 1831.

SIR: I have not been able to discover that any special provision was ever made by law for losses by the Indians at Fort Mimms, or that any particular forms of application, for satisfaction for such losses, were established or required. It is usual for applications for claims for Indian depredations, to be presented to the agent for the tribe of Indians by whom the depredations may have been committed, and by him forwarded, with the testimony and his report thereon, to the department. This mode of application, if adopted by the claimants for losses at Fort Mimms, will entitle their claims, when received at the department, to due consideration and attention.

The letter of Mr. Mimms, enclosed in your note, is herewith returned, with an apology for not giving you an earlier answer.

I have the honor, &c., &c.,

SAMUEL S. HAMILTON.

To the Honorable JOSEPH M. WHITE.

WAR DEPARTMENT,
Office Indian Affairs, November 28, 1831.

SIR: In reply to your letter of the 18th ult., addressed to the Secretary of War, and by him referred to this office, I beg leave to state, that Colonel Ward, agent for the Choctaws, having heretofore been written to, on the subject of your papers and your claim, answered that the papers had never been received by him, or if they were, that he had been unable to find them in his office. That in a council of the chiefs and head-men, convened by him, they acknowledged that your property, about the time mentioned by you, was taken by their late chief, and that they justified the act, on the ground that your property was intended for the use of the Osages, with whom they were then at war.

He also stated that the interpreter informed him, that immediately after the spoliation of your property, the matter was brought before the then agent, Mr. Dinsmore, and it was then believed that there was a satisfactory settlement.

On a proposition, afterwards made through the said agent, Colonel Ward, to satisfy your claim out of their annuity, they refused compliance. Taking it for granted that you can substantiate your claim, and saying nothing about

the staleness of your demand, the department, if inclined to give relief, has not the power of affording it. Redress for this wrong can be obtained (if at all) only by application to Congress.

With much respect,

Your obedient servant,

E. HERRING.

To Mr. JOSEPH BOGY.

WAR DEPARTMENT,

Office Indian Affairs, November 28, 1831.

SIR: A requisition is this day issued in your favor for one hundred and twenty-two dollars two cents, which will be remitted from the Treasury, being the amount required for expenses in shipping rifles to New Orleans, as requested in your letter of the 25th instant.

Very respectfully,

Your obedient servant,

E. HERRING.

To Captain P. FAYSSOUX,

Military store-keeper, U. S. Arsenal, on Schuylkill, Philadelphia.

WAR DEPARTMENT,

Office Indian Affairs, December 7, 1831.

SIR: The Secretary of War has, this day, issued a requisition in your favor for one thousand one hundred and sixty-one dollars fifty-five cents, to enable you to pay the soldiers, who were detailed to assist the Reverend Mr. McCoy, in surveying, &c., the lines of the land assigned to the Delaware tribe of Indians, which will be remitted from the Treasury accordingly.

You will, of course, stand charged on the books of the Treasury with said remittance until the roll, receipted by the soldiers who are entitled to pay, shall be furnished by you to this office, to be passed to your credit.

Very respectfully,

Your obedient servant,

S. S. HAMILTON.

To Major WILLIAM DAVENPORT,

Cantonment Leavenworth.

WAR DEPARTMENT, *December 13, 1831.*

SIR: I have had the honor to receive your letter of the 11th instant, enclosing one from Colonel Leflore, in relation to the claim of Mr. David Cocronour to a reservation of land under the late treaty with the Choctaws.

On inquiry, I find the name of Mr. Cocronour is on the list of claimants reported by Major Armstrong as entitled to reservation under that treaty, which is sufficient to secure to him the land intended for him.

I am, &c., &c.,

LEWIS CASS.

To the Honorable F. E. PLUMMER,

H. R. U. States.

WAR DEPARTMENT,

Office Indian Affairs, December 15, 1831.

SIR: In obedience to your directions, I have the honor to report that the claim of Peter Hagler, which is referred to in the letter of the honorable Dixon H. Lewis, of the 14th instant, and that which accompanied it, appears to be one which comes under the provision, by the treaty with the Creek nation of 1821, for the payment of sundry claims to a certain amount, to be ascertained by a commissioner to be appointed by the President of the United States. On referring to the report of the commissioner appointed in pursuance of this provision, the name of Peter Hagler is found on the list of claims furnished the commissioner by the Executive of Georgia, but is not embraced in the list of those reported on by him, either favorably or unfavorably. It was not, of course, included in the list of claims transmitted from the department to the Executive of Georgia. The commission, for the investigation of claims, under the treaty provision, above referred to, was closed, some years since; and, it has been decided, cannot be opened again, for the investigation and allowance of further claims, without the authority of Congress.

The letter, enclosed by Mr. Lewis, is herewith returned.

Very respectfully, sir,

I have the honor to be, &c.,

S. S. HAMILTON.

To the Honorable LEWIS CASS,
Secretary of War.

WAR DEPARTMENT, *December 16, 1831.*

SIR: In answer to your letter of the 14th instant, I have the honor to enclose to you the report of the officer in charge of the Bureau of Indian Affairs.

I am, sir, &c.,

LEWIS CASS.

Hon. DIXON H. LEWIS, *H. Representatives.*

WAR DEPARTMENT, *December 19, 1831.*

SIR: It has been represented to this department, that deputations from different tribes of the New York Indians are already, or soon will be, here, for the purpose of endeavoring to adjust the difficulties which have arisen at Green Bay, respecting their claims to land in that quarter. It is the wish of the President that you should meet these deputations, and endeavor to effect an arrangement which will be satisfactory to them and just to the Government. The subject is committed to your discretion; and you will please, from time to time, to report to me your progress and the demands and expectations of the Indians.

The arrangement, before it is formally executed, will be submitted to this department for the consideration of the President. You are authorized to employ Mr. Irwin to assist you in this affair, should you deem his services useful.

Very respectfully, &c.,

LEWIS CASS.

To his Excellency GEORGE B. PORTER,
Governor of Michigan Territory.

WAR DEPARTMENT,
Office Indian Affairs, December 19, 1831.

SIR: A requisition has been issued, this day, in your favor, for \$8,238 50; which sum, when received by you, is to be deposited to the credit, and subject to the order, of his Excellency George B. Porter, Governor of Michigan Territory and superintendent of Indian affairs.

Very respectfully,

Your obedient servant,

S. S. HAMILTON.

To the CASHIER OF THE BRANCH U. S. BANK, *New York.*

WAR DEPARTMENT,
Office Indian Affairs, December 19, 1831.

SIR: Your letter of the 16th instant, transmitting bill of lading, policy of insurance, &c., for three hundred and sixty rifles, shipped to New Orleans, is received.

The suggestion relative to your estimating for the balance of Mr. Tryon's contract, is approved. The amount of expense for freight, insurance, &c., will be remitted on the receipt of your estimate, accordingly.

Very respectfully,

Your obedient servant,

S. S. HAMILTON.

To Captain P. FAYSSOUX,

Mil. store-keeper, U. S. Arsenal, on Schuylkill.

WAR DEPARTMENT,
Office Indian Affairs, December 20, 1831.

SIR: Your letters of the 13th and 20th ultimo, and 1st instant, have been received.

The Secretary of War has no objection to your complying with the request of the emigrants, for the Rev. D. O'Briant and family to be permitted to accompany them at the expense of the Government. You are at liberty, therefore, to use your discretion on this subject.

It is hoped, since the return of Mr. Thornton to his duties, you have found him a useful and efficient assistant; and disposed, by a cordial and energetic co-operation with you, to promote the views of the Government as far as may be in his power. The employment of Mr. and Mrs. Phillips is approved, and may be continued at your discretion. The Secretary desires you will report all the facts in relation to the claim of the Phillips family, on account of the reservation of land stated to have been secured to them by the treaty of 1817 or 1819; on the receipt of which, he will decide upon the case.

The Secretary of War has no objection, as was stated in a letter to you, to the employment of intelligent Indians, in lieu of white persons, to aid, &c. But he is decidedly opposed to their being employed to act secretly, and desires that a course so objectionable and liable to bring censure upon the Government, may not be adopted.

With regard to payments for improvements, I am directed to refer you

to the instructions heretofore given on this subject. All pledges made previously to the receipt of these instructions, are to be redeemed; but in every future case they are to govern. The department also adheres to the rule, that no payments be made until the valuation shall have been submitted to the department, and returned to you approved.

I am, &c., &c.,

SAML. S. HAMILTON.

To BENJAMIN F. CURREY, Esq.,

Supt. of emigration, &c.

WAR DEPARTMENT,

Office Indian Affairs, December 20, 1831.

SIR: Your letter of the 1st instant, to the Secretary of War, is received at this office, with Major Phagan's account and receipts for annuities.

Very respectfully,

Your obedient servant,

S. S. HAMILTON.

To JAMES D. WESTCOTT, jr., Esq.,

Secretary and Acting Governor of Florida, Tallahassee.

WAR DEPARTMENT,

Office Indian Affairs, December 21, 1831.

SIR: Your letter of the 6th November, to the Secretary of War, has been received.

The papers relating to your claim against the Cherokees, which were forwarded to the department of war by the late Colonel Meigs, were not considered sufficient to allow your claim; and they were, therefore, returned to Governor McMinn, who succeeded Colonel Meigs, as Cherokee agent, with this information.

The papers in the other cases to which you refer, do not appear to have been forwarded to the department.

I am, very respectfully, &c., &c.,

S. S. HAMILTON.

To MR. ADAM SHUFFIELD, *Ashville, St. Clair Co.*

WAR DEPARTMENT,

Office Indian Affairs, December 27, 1831.

SIR: I am directed to inform you that an additional enrolling agent among the Cherokees, has been appointed by the department.

When William Hardin, esq., the person appointed, shall report himself to you, as directed in his commission, you are requested to give him the necessary instructions, as in the case of Dr. Reese and Mr. Thornton.

Very respectfully, &c.,

SAML. S. HAMILTON.

To BENJAMIN F. CURREY, Esq.,

Supt. of emigration, &c.

WAR DEPARTMENT, *December 27, 1831.*

SIR: You are hereby appointed an enrolling agent, for the purpose of receiving the enrolment of such of the Cherokee Indians, within the chartered limits of Georgia, as may be disposed to emigrate to the country west of the Mississippi. Your compensation will be at the rate of four dollars per day, to include your expenses, while engaged in this duty.

You will report yourself to Benjamin F. Currey, esq., who has been appointed to superintend the removal of these Indians, from whom you will receive the necessary instructions.

Very respectfully, &c., &c.,

LEWIS CASS.

To WILLIAM HARDIN, Esq.

WAR DEPARTMENT,

Office Indian Affairs, December 29, 1831.

SIR: I am directed to acknowledge the receipt of your letter of the 14th instant, to Mr. Herring, (who is absent,) and in answer to your inquiry, relative to sending out a party from the Cherokee nation to explore the country west of the Mississippi, to state that the Cherokees are already sufficiently acquainted with the country, and the department does not, therefore, consider the measure necessary, and declines to authorize it.

Funds will be provided at the Arkansas Agency to pay the emigrants the amount due to them, for improvements, on their arrival there. And, in order that a sufficient amount of funds may be forwarded to that agency, and in proper time for this purpose, I have to request you will transmit, as soon after the receipt of this as practicable, an estimate of the amount that will probably be required. To prevent any difficulty, Captain George Vashon, the Cherokee agent west, should be furnished with a certified list of the emigrants who may be entitled to pay for improvements, showing the amount of each claim, and the amount, if any, that has been paid, that he may be prepared to act upon the claims and pay whatever may be still due when they are presented to him. His address is, Cantonment Gibson, Arkansas Territory.

The other suggestions and arrangements, referred to in your letter, are approved.

I am, very respectfully,

SAMUEL S. HAMILTON.

To BENJAMIN F. CURREY, Esq.,

Supt. of emigration, &c.

WAR DEPARTMENT, *December 29, 1831.*

SIR: To guard against speculation, and impositions upon the Indians, as well as the Government, you will not issue any certificates of valuation or other evidence of claim for reservations, which have been filed with you, and are to be paid for by the United States, under the provisions of the late treaty; but will forward the official book or register kept by you, of all such claims, with the proofs submitted to you, in conformity to the treaty, in support of them, to the department, for its information and further directions thereon.

To enable the department to decide who are entitled to reservations under the treaty, as "*orphan children*," you are also required to report, at the same time, the ages of all orphans, in whose behalf claims to reservations may have been filed with you, agreeably to the provisions of the treaty.

Very respectfully,

LEWIS CASS.

To Col. WM. WARD,
Indian Agent.

WAR DEPARTMENT, *December 29, 1831.*

SIR: With a view to prevent the same cattle being offered to you more than once for valuation, you are authorized to employ two or three hands to assist you in branding the cattle, as you value them, with the letters U. S. The persons so employed will be allowed a reasonable compensation, (not exceeding two dollars per day,) to be paid to them by the Indian agent, on your certificate of the number of days they have been engaged.

As a further measure of precaution against speculations and impositions, upon the Indians as well as the Government, you will not issue any certificates of valuation, or other evidence of claim, to the owners of cattle. The official book or register of valuations kept by you, is to be considered the only evidence of such claims, and payments made for these or any other, will not be admitted by the department.

I am, very respectfully,

L. CASS.

To Col. JOHN W. BYRN,
Special Agent for valuing Choctaw Cattle.

LETTERS FROM AGENTS AND OTHERS.

HERMITAGE, CHOCTAW NATION, *Jan. 4, 1831.*

SIR: Permit me to suggest to you the propriety of having the improvements of such Indians as are entitled to reservations, by virtue of their fields, surveyed by some responsible person.

I should not have troubled you on this subject, if some fields, with which I am well acquainted, had not been overrated in the schedule returned to Col. Ward, previous to 1st of January. Some fields containing seven or eight acres, (which would have entitled the occupant to eighty acres) have been estimated at twelve, thereby entitling him to 160 acres. If this has been the plan generally adopted by those who have had the management of the matter, and it should be left so, the Government might lose a large quantity of good land, or have it to pay for again. I would have written Colonel Ward on the subject, but live some distance, and may not have an opportunity of writing him in six months, as there is no regular communication from here to the agency.

This suggestion is made, expecting the treaty will be ratified, for which

the Choctaws generally manifest great solicitude; please inform me if you think it probable the treaty will be ratified. The Indians inquire of me often, and I know not what to say to them.

I have written honorable N. Gaither more lengthily, to whom you are referred for information respecting Indian views about emigration.

Respectfully,

J. B. HANCOCK.

Hon. JOHN H. EATON.

Address to the care of Col. Moses Lewis, Springfield, Ala.

I would also suggest, that where several families live adjoining, and some have less than two acres, it is thrown in together, and returned as one man's field; and those who thus give away their fields, rely on being compensated out of the ten thousand dollar annuity, which is to be paid west of Mississippi, for improvements.

CHEROKEE COUNTRY, GEORGIA, *January, 6, 1831.*

SIR: Since my last communication to the department, about sixty or seventy full-blooded Cherokees have enrolled, a circumstance which has produced considerable consternation among the nominal counsellors; runners have since been despatched, riding night and day, to persuade, and where the promise of reward fails, indirect threats of punishment have been employed, to arrest a disposition more favorable to emigration with the common people, than has been manifested at any former period. I am apprehensive, however, that by the devices of these chiefs, the great body will determine to delay their enrolment until the result of the efforts before the present Congress is known here, and then it will be too late for them to reach their intended new homes in time to make crops for the next season.

Hints have reached my ears, from sources entitled to credit, that the delegation will propose a treaty in the event of a failure, to regain their ancient privileges here. There are many individuals who, on account of their indifference on the subject of emigration, have incurred the displeasure of the ruling party, (which is composed of connexions by consanguinity.) These obnoxious men, as well as some who are still more so, on account of their friendly feelings to the policy of Indian removals, desire, in case a treaty should be made, that the Cherokee delegation from Arkansas should be present, and have a voice therein; this would have a tendency to their future union, national peace, and fraternal friendship.

The ten thousand dollars placed to the credit of the Indian agent here, to pay for improvements, relinquished under a positive pledge of payment before their embarkation, is not sufficient by one half to answer the demands that will be made. Those who enrolled under these pledges are of the wealthiest unconnected with the Indian Government, and I did hope they would be satisfied to receive a part or the whole of their pay in Arkansas; but, as the time approaches for their departure, they are becoming clamorous for the redemption of Government pledges, whilst those who have since enrolled are hard to satisfy that there is not partiality shown. Either the authority to give pledges of payment here, where it was made an indispensable prerequisite by the emigrant, or the countermanding order, must be regarded as unfortunate when seized upon and used with effect by nominal chiefs, as evidences of a want of stability on the part of the Govern-

ment; forming an insuperable objection to enrolment with some strong families who had determined to go under the first orders, but had not enrolled.

Attempts have been made to burn the buildings on Sheppard's farm, and his kitchen was actually consumed. Joseph Vann, one of the head-men, has been using his influence to get emigrants to burn up their improvements, offering to pay them the valuation by the assessors out of his own purse.

At a period when the guards are so necessary to keep peace, and secure property abandoned, as well as to see that the old Cherokee laws are not republished and enforced, within the chartered limits of Georgia, it appears to me the blindest policy that could have been adopted, to reduce the number of that company to a mere handful, without physical power to command respect on one side, or ensure protection on the other.

Dr. Reese, one of the assistant enrolling agents, I am advised, has gone home, satisfied that he can do nothing. Esquire Thornton had as well do so likewise, for there is something so repulsive in the name of a Georgian, that the Cherokees will not enrol under them, with a few exceptions.

Where emigrants from Georgia have a claim, (for instance, to negro property, determined by the Indian agent and myself, to be just,) in the possession of persons of the same tribe, living in the other States, could I have authority to interfere and secure them to the emigrants, where the Cherokee courts, on account of manifest prejudice towards the emigrating class, have delayed the administration of justice?

I have heard nothing of Mr. Davis, the assessor, from Kentucky; Colonel Montgomery is engaged, with the other assessor, in valuing the Indian improvements; his health is delicate and the season very severe, so that I fear he will not be able to hold out to the end.

I have the honor to be,

Most respectfully,

Your very obedient servant,

BEN. F. CURREY.

ELBERT HERRING, Esq.,

Bureau of Indian Affairs.

FORT WINNEBAGO, *January 6, 1831.*

SIR: I had the honor to receive, in June last, (through Colonel McKenney,) your communication of the 7th April, 1830, on the subject of the Winnebagoes setting apart \$5,000 of their annuity, for the education of some of their youth at the Choctaw academy.

Agreeably to your request, I made application to them during the payment, for a portion of their annuity to be thus applied. I urged the propriety of such a contribution, and the beneficial results it would produce in furthering the prosperity of their future generation. They all appear very much opposed to permitting their children to go so far from them; and as it was the first payment of their annuity, they felt anxious to receive the whole amount.

Their objections to alienate a part of the annuity for the object suggested by you, cannot be more forcibly expressed, than by their own language, in reply to the proposition. "Father: if the Great Spirit had made us like white men, he would have given us a way to be educated like them. We must not do any thing contrary to what our Great Father above has done. If he had seen proper to have us educated, he would not have made us dif-

ferent from the white men. It is too late to commence education among us now. All our chiefs are opposed to it. We have gone on thus far without it, and we wish to remain in the same state we have ever been. We think, if we were to commence educating our children, the Great Spirit would be angry, and by some means destroy us. There are none of us now, who appear to be anxious to have our children educated. Perhaps, by and by, we may think as you do, father."

Since, therefore, the proposition interferes with their religious, as well as prudential scruples, there seems no alternative but to await the change in their opinions, which may result from an observation of the beneficial effects produced upon other tribes, by education and civilization.

You may rest assured, that I shall do all in my power, at every payment, to accomplish the object desired by the President and yourself.

Very respectfully, sir,

Your obedient servant,

JNO. H. KINZIE,

Sub-agent Indian Affairs.

Hon. JOHN H. EATON,

Secretary of War, Washington.

WASHINGTON CITY, *January 6, 1831.*

SIR: When the deputation of Cherokee chiefs, who were in the city and negotiated the treaty of 1806, on the part of their nation, were about to set out on their return, Mr. Jefferson, who was then President, delivered to them a written farewell address, which, by some means, not known to me, has been lost, as I believe, or in the possession of some unknown person. Should it meet the approbation of the honorable Secretary, I should be very thankful to be furnished with a copy of the original, as I presume it is on file in your office. Your early attention will much oblige me.

Respectfully, your obedient servant,

W. S. COODEY.

S. S. HAMILTON, Esq., *War Office.*

WASHINGTON CITY, *January 6, 1831.*

SIR: A tract of land, (now in the State of Tennessee,) was set apart by the treaty of Tellico, 1805, with the Cherokee nation, for the use of the United States, so long as a garrison of troops was continued upon it, and upon the condition that on the withdrawal of the troops by the Government, the land should revert to the Double Head, a Cherokee chief, and to be held by two others, (John Riley and John D. Chisholm,) equally with himself; that is, containing 1,920 acres, 640 to each. The troops have, many years since, been withdrawn; but, owing to the survey being wrongly made, the tract, as surveyed, was covered by a North Carolina grant, under which it is still believed to be held. The Cherokees, consequently, have never been able to obtain possession, or derive any benefit as originally contemplated by the treaty. The reserve was to commence opposite to the mouth of the Highwassee river, and extend *down* the Tennessee, but was extended by the survey up the river; their claim, therefore, either for the tract of land as originally defined, or to indemnification from the United States, is believed to be just, and that there will be no difficulty to obtain either the one or the other, as the Government may determine. Author-

ized to bring the subject before the department, or before Congress, as may be deemed most proper, I beg leave to inquire, whether it is not a subject which comes within the action of the department; if not, and there are any papers which have reference to the subject of these lands, I shall be thankful to be furnished with copies.

Very respectfully,

Your most obedient servant,

W. S. COODEY.

To S. S. HAMILTON, *Indian Office.*

WASHINGTON CITY, *January 7, 1831.*

SIR: We are informed by a note of yesterday's date, from Colonel Hamilton, of the Indian office, in your department, that he has been directed to say to us, you decline making *any reply* to the communication we addressed to the department on the 22d December, on the grounds that the inquiries proposed have been heretofore answered in *writing* and *verbally*, and adds, "upon the subjects referred to in your communication, he conceives you have *already* been *fully* informed."

The subjects which were embraced in our communication, are of the most vital importance to our nation; and, in calling your attention to them, we only discharge a duty specially required by the authority under which we act, and we can assure you had the Cherokee nation, or its delegation, thought they had "*already* been *fully* informed," either "*in writing*" or "*verbally*," the department would not have been troubled with the communication, nor with verbal inquiries on any of the subjects. At our second interview, you refused to reply, verbally, to an inquiry respecting the gold mines, and a survey being made of our lands by Georgia, and requested us to submit what we had to say in *writing*, and then an answer would be given. We have done so, and received in return an explanation why *no reply* will be made.

As it regards the disputed line, and the part of our territory which the Executive has allotted to Georgia, it was believed, that as Georgia pretended to be dissatisfied, and the Cherokees known to be so, that if the Executive was not disposed to reconsider the decision made upon the recommendation of General Coffee, the subject might be referred to Congress, where the President gave the delegation to understand, last year, it would be referred before he had determined himself to establish a new boundary line.

We have no recollection, at present, of having been informed whether the hopes of such a reference would be realized or disappointed.

With regard to the gold mines and intruders, new and important questions have presented themselves; and such has been the spirit manifested in a portion of the south to "suppress the Cherokee Government," take possession of their gold mines, and to survey their lands, contrary to and in flagrant violence of the solemnly plighted faith of this Government, and the assurances of the President given for their territorial protection, the Cherokees conceived it due to them to be informed, whether or not they should continue their expectations of the promised protection.

Upon the sudden withdrawal of the troops, and the great number of intruders permitted to continue within our borders, they could not but doubt the course to be pursued; and, if reliance is to be placed upon the rumors contained in the southern prints, they have strong cause to fear that they

are to be abandoned to the *Georgia policy*. There has been no explanation given to our nation, why the troops have been so suddenly recalled; whether, by their withdrawal, the protection of the Government, (for which it was believed they had been ordered into the nation to perform,) was to be considered as also withdrawn, as the causes had not ceased to exist that required the interposition of Executive authority; nor whether Georgia would be permitted to take possession of our gold mines and survey our country. The measures already taken to effect these objects are not unknown to the Government; nor do the Cherokees know from what cause or for what objects they were driven from their gold mines, and suffered the personal injury and insults under the authority of the Department of War.

An "order," signed by the chief clerk in the department, as Acting Secretary of War, was received by the agent during the past summer, and communicated to the principal chief of the nation, and by him submitted to a called session of the general council, convened about that time, by which the mode heretofore pursued in paying the annuity due our nation was changed, and providing for a *distribution* of the fund amongst the individuals. Why such a change has been deemed necessary, the Cherokees have never at any time been informed, either in writing or verbally. The council immediately upon the reception of the order, protested, through the agent, to the President, then at Nashville, against any change in the mode of payment, as contrary to the wishes of the nation.

In that council the Cherokees were fairly and correctly represented. It was composed of members of their own choice, selected from and bound to the advancement of the interests of the nation. They are still opposed to the change, and cannot conceive the object of the Government; and if we say to them on our return that they have been *fully* informed it will be subjecting ourselves to the indignant frowns of the whole Cherokee nation, from one extremity to the other, which we hope never to meet.

We have been authorized by the *authority* of our nation to draw a portion of our annuity, due for the year 1830, to meet the necessary expenses of the delegation, and we wish to be distinctly informed, whether or not the Government will allow us to draw, as has been done frequently heretofore.

Respectfully, your obedient servants,

R. TAYLOR,
JOHN RIDGE,
W. S. COODEY,
Cherokee Delegation.

Hon. JOHN H. EATON, *Secretary of War.*

CHEROKEE AGENCY, *January 7, 1831.*

SIR: I have this day drawn on you for eleven hundred and thirty-seven dollars and forty-seven cents, in favor of William and John Ellis, of Sevier county, Tennessee, for twenty boats delivered by them at this place, for the use of the emigrating Cherokees, at \$56 $87\frac{7}{8}$ per boat, agreeably to their account and receipt, which will be forwarded.

I am, sir, with respect,

Your most obedient servant,

H. MONTGOMERY.

Hon. JOHN H. EATON,

Secretary of War, Washington City.

WASHINGTON CITY, *January 11, 1831.*

TO THE PRESIDENT: We have the honor to say a word to the Chief Magistrate of these United States. We have come as delegates from the Seneca nation, vested with a legal power to make an inquiry concerning our annuity. We wish to make known to our father, that our chiefs did not give or grant authority to us to take a part to the Green Bay question. They have concurringly rejected this sort of policy. They have made expressed and decisive determination not to remove from their land to another country, believing as they do, that their great father, the President, is constitutionally bound to afford them a protection, according to the letter of our treaties; these treaties, made with much deliberation, ratified by the President Washington, with the consent of the Senate of the United States. These treaties become public laws of the land: these public laws now stand unrepealed. No State has a right to abrogate and repeal these laws, unless or until both contracting parties give consent, or in the case of violation of a treaty.

Rome herself went to the school of a despot; there she learned to give a "cunning interpretation and breaking treaties." We presume such institution as this cannot exist within our father's dominion, because he possesses a great knowledge and enlarged understanding; that he will arrest the proceeding of injustice and oppression.

BIG KETTLE, his x mark.

SENECA WHITE, his x mark.

THOMSON S. HARRIS.

General A. JACKSON.

COLUMBUS, OHIO, *January 13, 1831.*

DEAR SIR: I have the honor, herewith, to report the disbursements made by me, in relation to the payment of the Senecas for their improvements, removing said Indians, &c., and also the expense of removing the Delaware Indians.

It will be seen, in the Seneca report, that receipts numbered 1, 21, 32 and 42, have no connexion with their removal. The first is for the payment of their improvements; 21 is for provisions furnished them at a council to hear their treaty explained; No. 32 is for rifles, in part of treaty contract; and No. 42 is for the payment of G. Herron, as interpreter to the delegation of chiefs that concluded the treaty; all of which amount to \$6,347 44.

Receipts No. 22 and 43, amounting to \$4,100, are for funds advanced Mr. Brish, the sub-agent, to defray the expense of a party of the Senecas on their way to the west. The balance of the Seneca amount, \$2,048 20 $\frac{1}{4}$, was expended by me in removing the Seneca tribe, mostly for the party that migrated by land. Total amount disbursed in the Seneca account, \$12,495 64 $\frac{1}{2}$.

The removal of the Senecas, owing to many causes, was more troublesome and expensive than was expected; but still no one acquainted with them, on a moments reflection, would have calculated on any thing else, as they have for some time been restless and unsettled in their minds.

And notwithstanding they had expressed a wish to emigrate, still, when the time arrived that they must leave their ancient home, they shrunk back

and were for some time at a stand, whether to seek a home in some other quarter, or to emigrate to the land set apart for their future residence.

Some were for joining their friends in New York, some for going to Canada, others to Green Bay; and it was with the utmost difficulty that they were persuaded to abandon those ideas, and all emigrate together.

When rightly understood, there was nothing unnatural in the intended separation of this band, as much contention prevails amongst its members, principally owing to its being composed of several remnants or parts of nations, six or more in number, and each still retaining their former prejudices towards all not of their particular nation. It is, therefore, easily seen that no common interest could long exist between such discordant materials, and I will venture to say, that there is not such another contrary and difficult people on the face of the earth (who pretend to live in one community) to do business with as this mixed band called Senecas. They have about thirty chiefs, each party a certain number, and each striving for the ascendancy; and if a failure takes place with either in council to carry a particular or favorite measure, murder is sure to follow.

It will be but little trouble to remove the other tribes of Ohio, compared with the Senecas; as the several communities are composed of but one people, their interest and feelings are the same. The chiefs are friendly with each other, and but few of them; all which goes to make it an easy matter to manage them to advantage, and when the time arrives, I have no doubt but they will remove without a murmur or complaint.

* * * * *

Although the enclosed accounts current ought, I presume, to have been forwarded direct to the Second Auditor, still I trust it is not improper to pass them to that office through the head of the Indian Bureau. I have taken this course, because I considered that it might be satisfactory to the department to examine them, as well as the contents of these lines.

After the Wyandot exploring party reports their views respecting the propriety of their people removing to the west, and the decision of the chiefs on the subject, I will then, (without something turns up to prevent me,) visit Washington, for the purpose as stated in a former communication.

I am, very respectfully,

Your most obedient servant,

JOHN McELVAIN,

Indian Agent.

To Col. S. S. HAMILTON, }
Or SECOND AUDITOR, } *Washington.*

CREEK AGENCY, *January 13, 1831.*

SIR: The Creeks have, contrary to my advice to them, sent a small delegation to Washington, conducted by Major Brodnax.

I stated to them that, in all probability, such a measure would not meet the approbation of the President, and that I had been instructed to say to them, that the Government would not in future pay the expenses of any delegation, without first obtaining the consent of your department. They replied that the President had told them, through me, that he could not prevent the State of Alabama from putting her laws over them, and that the principal

object in sending this delegation, was to petition Congress to interpose its authority and prevent it; and requested me to inform you of the object of their visit, under the hope that you and the President would receive them kindly, and take them by the hands as friends.

Allow me to suggest to you the propriety of your receiving them kindly; it may be attended with good in the end, for should they return to their people satisfied (as I presume they will) that the General Government will not interpose its authority to prevent the State from extending her laws over them, and with good feelings towards the officers of the Government, the most important obstacle to a general arrangement will have been removed.

I have the honor to be,

Your obedient servant,

JNO. CROWELL,

Agent for Indian Affairs.

The Hon. JOHN H. EATON,

Secretary of War, Washington, D. C.

RANKIN, MISSISSIPPI, *January 14, 1831.*

SIR: I have just returned from Vicksburg to meet Capt. Levy with two companies of U. S. troops. I have been at his camp this day, where he is, just above the Indian line, near the road up the Yazoo, in Leflore's district.

Col. Leflore and all who are interested in reserves are anxious that persons who had purchased Indian claims to reserves might be permitted to settle on the lands this season. I have no right to grant permits only to traders; but it might be the interest of Government, if the treaty is ratified, to permit all who have fairly bought the grants, as specified by treaty, to settle the improvements of such as the chiefs may designate.

It is generally the wish of the chiefs that provision may be made, as soon as convenient, for as many emigrants beyond the Mississippi as wish to go off from time to time. There have gone off many this fall, and are yet daily going in families, without any captain or leader, only the heads of families.

On the subject of allowing settlers to enter the Indian lands, lately obtained by Choctaw treaty, be pleased to give me further instructions as soon as convenient, as many are pressing me for permission.

I have the honor to be,

Very respectfully,

Your obedient servant,

W. WARD.

Agent C. N.

P. S. No news of Mr. Gaines's returning into the nation, nor any thing from his party, since Harkins and Folsom, who left him on the Arkansas.

W. W.

N. B. The chiefs have all entered the names of the persons who are entitled to reserves, under the cultivation provision in the treaty, and are anxious that the treaty may be ratified.

W. W.

DANCING RABBIT, *January 16, 1831.*

FRIEND AND BROTHER: Our old chief, Mushulatubbe, having declared,

this day, in open council, his intention to resign his office of chieftainship, we have with one voice elected P. P. Pitchlyn as our principal chief. We trust that Government will acknowledge him as such, and all business to be transacted by your Government with our people will be done through him. We are happy to inform you that we have every confidence in P. P. Pitchlyn, as a man that is truly devoted to the interest and happiness of his countrymen, and that we shall be happy under his administration.

We are sorry to inform you that Folsom and his party have again commenced disturbing the peace and happiness of the people; for his party have been trying to elect him as principal chief, and the minds of the people are, in consequence of it, much agitated. Strife and contention have again arisen among the people. It is our wish that you would take into consideration our unfortunate condition, and prevent this prevailing evil among our people, for it is not in our power to do it ourselves.

We are under the impression that there are two errors in the treaty: 1st. In regard to the reservations which were granted to Mushulatubbe's two sons, Peter and James King. We find in the copy of the treaty which you sent us, that but one section is granted to both of them in the place of one to each, as we had believed at the time of the signing of the treaty. And the second is in regard to the reservation that was granted to Thomas Wall. We see, in place of his name being to the treaty, Thomas Garland. There is no one of that name in the nation; and we are confident that that name was intended for Thomas Wall. Therefore, we ardently entreat you to have this error corrected.

With great pleasure,

We subscribe ourselves,

Your friends and brothers.

E-YAR-HO-KAR-TUBBE, his x mark, *Speaker*,
AND FIFTY-THREE OTHER CHOCTAWS.

I do hereby certify that the above is the talk of the captains and warriors in council.

PIERRE JUZAN.

To the Hon. JOHN H. EATON,
Secretary of War.

DANCING RABBIT, *January 16, 1831.*

FRIEND AND BROTHER: Being old and worn out in the service of my country, I have this day declared to my people, in open council, that I would resign and give up my office so soon as we commence emigrating to the west of the Mississippi. It being the wish of the captains and warriors of this district that my nephew, P. P. Pitchlyn, should be their next chief, and to conduct them across the Mississippi to our new country, I have heartily consented to their wish, and think that they have made an excellent choice for their chief, and hope that the President will acknowledge him alone as the principal mingo or chief of the people of this district. It appears, from the copy of the treaty which you sent me, that but one section alone was granted to my two sons, Peter and James King; which, not being agreeable to the understanding I had in regard to it at the time of the signing of the treaty, I hope, therefore, that you will have them both provided with a section each, in the treaty. There is also another error in the treaty, which is

all important should be corrected; which is, you have Thomas Garland in the treaty in place of Thomas Wall. There is no one in the nation by the name of Thomas Garland, and that name was doubtless intended for Thomas Wall. This, we trust, you will have altered.

I wish, also, that you would try and do something for my other two sons, Hiram and Charles. If it is possible that you could alter the treaty so as to have them a grant of half a section each, I should consider it as a great favor.

I subscribe myself, with great pleasure,

Your friend and brother,

MUSHULATUBBE, his x mark,

Chief of Northeastern District of the Choctaw nation.

To the Hon. JOHN H. EATON.

BIG SAND, CHOCTAW NATION, *January 20, 1831.*

DEAR SIR: Your esteemed favor of the 10th November has just been received. I am happy to hear that incipient measures have been taken by the General Government to carry into effect the provisions of the late treaty with the Choctaws, and to be assured that every proper facility will be afforded for the removal of the people. The views you express in relation to the policy, on the part of the Choctaws, of their determination to remove, as well as in relation to the most desirable mode of their settlement beyond the Mississippi, entirely accord with my own; and it shall be my aim to hasten the removal, and to accomplish the plan of settlement you recommend. The people, although many of them were at first dissatisfied with the treaty, are now generally convinced that it was a politic and a necessary measure, and are desirous that it should speedily be carried into effect. The emigration has constantly, since the execution of the treaty, been urged forward as fast as circumstances would admit, and still continues to progress. I have deeply felt the responsibility connected with my agency in this affair, and my mind has been relieved from no small anxiety by the information that timely provision will be made by the detachment of troops sent up Red river for the people who have already emigrated. I have urged upon those who have gone, the necessity of setting themselves industriously to work, on their arrival, in cultivating their land, and think it probable that a considerable quantity of corn may be made the ensuing season. I have, also, for the purpose of preventing them from neglecting their business and strolling off to the neighboring settlements to trade, given licenses to two respectable merchants to settle among them, who will go this winter and furnish them with such kinds of merchandise as they may need. Although the emigration has progressed with spirit among a certain class, there are others who are, as yet, necessarily detained. I refer, in the first place, to those who are in possession of valuable places here, which possession cannot be transferred to white men desirous of purchasing; and, in the next place, to those who are aged, infirm, and otherwise inadequate to the fatigue of a long journey by land. With respect to the former, if some intimation was given by the General Government that white men of good character, who should purchase from those entitled to reservations, might, by permission of the chiefs of the district, remove into the country without, however, bringing in any stock, it would greatly encourage the emi-

gration of a class of persons much needed in the early settlement of the new country. The most wealthy and industrious among us could then dispose of their places, and their removal would fix the resolutions of all the lower class who may still be hesitating. The General Government would also find their interest in suffering men of wealth to come in and purchase the stock which might otherwise fall a burthen upon their hands. If orders were issued from the War Department to the troops stationed among us, not to consider such persons intruders, a good end would be accomplished without any attendant evils; since, if such a course was permitted, the whole Indian population of certain parts of the country, would move off in mass, and no possibility of collision, between the whites and Indians, could exist. I consider it essential to the active progress of emigration, that the term "intruders" should be restricted in its meaning to ill disposed persons who should wish, without "the permission of the chiefs, and without the color of a right, to come into the country." I should like to have your advice upon this subject, which I consider a very important one, so that I may know how to act. There are about thirty persons in my district who are entitled to reservations, and are in a state of suspense as to what course they shall pursue. All of them, including my connexions, would sell and remove at once if they were permitted to introduce purchasers into the country to take possession of their premises. The remaining claimants have relinquished, and those of them who have not yet removed have no further preparation to make but to dispose of their stock. This they could readily do if wealthy white men were permitted to come in. My return to the agent, giving the names of those claiming reservations, the names of those relinquishing their lands, and the number of acres to which each may be entitled, was duly made the 29th December. With respect to the aged and infirm, I would suggest for your consideration whether it might not be expedient to make arrangements for removing them by steamboat the ensuing spring. If this were deemed advisable, they could be collected at the place where I reside, and embark at my landing on board a steamboat. Should provision be made for their sustenance, while collecting, I know of no more eligible point; and if the people were assured that provisions would be furnished at the place until a sufficient number could be collected, the object would soon be accomplished.

I have the honor, &c.,

GREENWOOD LEFLORE,

Chief of the Northwest District of the Choctaw nation.

Hon. JNO. H. EATON,

Secretary of War.

EXECUTIVE DEPARTMENT, GEORGIA,

Milledgeville, January, 1831.

SIR: Your letter of the 12th of November last was duly received, in which you suggested the importance to the success of future negotiations with the Cherokees for the lands occupied by them, that the State of Georgia should authorize the President to grant fee simple reservations to their principal men, upon condition of the United States paying to the State a reasonable price therefor. An extract from your letter, containing this suggestion, was laid before the Legislature during its late session. It was not

acted on; because at that time, and until very near the termination of the session, a bill was pending, the object of which was to dispose of all the land within the State in the occupancy of the Cherokees, in such manner as would, if it had passed, made the consideration of your proposition entirely unnecessary. After that bill became a law, although it passed in a different form from that which has been mentioned, yet it was found difficult, amidst the hurried proceedings of the close of the session, to procure the united consent of the members of the Legislature to the particular form and conditions upon which such reservations should be made. No resolutions whatever were therefore introduced upon the subject, and especially as the Legislature had, at two former sessions, (viz. 1826 and '27,) granted to the President the authority now asked for.

The people of the State, and its constituted authorities, have entire confidence that the President, in contracting with the Cherokees for their removal from Georgia, will use no means adverse to the interest of the State, or which may not be necessary for the accomplishment of that object.

Humanity for the Indians, the maintenance of the rights of the States, and the preservation of the Union, require that every exertion should be made to put a speedy termination to the Indian question.

The spirit which has manifested itself in Congress, and among the people of some of the States, in opposition to the measures taken by the President to execute the contract of the United States with Georgia for the removal of the Cherokees, and the improvement of their condition, has produced the most serious alarm lest the strength of the constitution and our free institutions may not be able to resist the machinations of party feud and violence.

From information received from various sources, there is but little prospect of procuring the immediate consent of the Cherokees to remove beyond the Mississippi. The leaders of the opposition have been completely successful in producing the belief among their influential men, that the Supreme Court will make a foreign and independent nation of their tribe, and thereby exempt the Indian people from the laws of Georgia. Until they are convinced of their error, it will, perhaps, be useless to endeavor to treat with them. If the Supreme Court should fail to make its decisions correspond with the designs of those opposed to the Government, my information is, that the Cherokees will at once agree to relinquish their right of occupancy, and remove from the State.

Very respectfully,

Yours, &c.,

GEORGE R. GILMER.

Hon. JOHN H. EATON.

To the President of the United States of America.

The memorial of the undersigned, delegates from the Oneida, Brothertown, St. Regis, Stockbridge, and Munsee tribes of Indians, respectfully sheweth:

That they have received instructions and powers from the tribes they respectively represent, to repair to the seat of Government, and make such arrangement and disposition of their claims to lands at Green Bay, in the Territory of Michigan, with the Executive and Congress of the United States, as to them, the said delegates, may seem proper and right.

Your memorialists, in the proposition which they now jointly and unanimously make to your excellency, have abridged their claims to the lowest amount of lands they have estimated to be necessary for the agricultural purposes of their tribes. To this they have been induced, by their desire to show the Government that their purposes in the treaties of 1821 and '22, were not those of speculation and extortion; and for the further purpose to preserve a good understanding with their brethren, the Menomones.

It will be unnecessary for your memorialists at this time to enter into arguments to show the fairness and binding effect of their treaties with their brethren, the Menomones, or to vindicate their proceedings, throughout this controversy, from any aspersions which have been or may be thrown upon them by individuals personally interested against them. Your memorialists consider that the question of right ought not, and cannot now be agitated for any purpose of destroying their original claims, or of refusing the good will and sanction of the Executive to their present overture.

Your memorialists, however anxious to relieve your mind of any impressions unfavorable to their interest, and to maintain the friendly correspondence hitherto enjoyed by them with the Government of the United States, have accompanied this memorial with a statement of all the material facts connected with negotiations originated by the direction of the United States, conducted under the superintendence of an agent specially deputed for that purpose, and finally, made for ever binding by the ratification of President Monroe.

Your memorialists think it necessary to advert to the fact, that, in the treaties of 1821 and '22, it was originally the intention of the tribes they represent, and the policy of this Government, to relieve the State of New York of its entire Indian population, and to provide for the Six Nations, and their confederates, a home in the vicinity of Green Bay, which should belong to them and their posterity for ever. In pursuance of this intention, and for the purpose of securing a retreat for our brethren (who are not represented in this negotiation) when their emigration may become necessary, we have concluded to designate that portion of our lands which they can occupy whenever they may choose to dispose of their present possessions and remove.

Your memorialists believe that this course must meet the approbation of the Government, and will be justified by the speedy removal of all the remnants of tribes in the State of New York.

Your memorialists, therefore, for and in behalf of the tribes they represent, and with intent of securing to their brethren (who have not a voice in this transaction) a portion sufficient for their wants, do propose to accept, (as a final settlement of their claims,) and they do pray the concurrence and sanction of your excellency to the following routes and boundaries, to wit: commencing on the east side of Fox river, at a corner made by Thos. Dean, near the foot of the rapids, called the Little Kakalin of Fox river; thence S. E. 12 miles; thence S. W. 21 miles; thence N. W. 13 miles to Fox river; thence continuing across Fox river along the said last mentioned line, to a point 30 miles from the river; thence N. E. 35 miles; thence S. E. 30 miles (more or less) to the mouth of Duck creek; thence nearly on the same last mentioned S. E. line to the mouth of Fox river, 2 miles, be the same more or less; thence S. W. along Fox river to a point perpendicularly distant 12 miles from its mouth, be the same more or less, and opposite to the corner

first above-mentioned, as made by Thomas Dean; thence S. E. across Fox river to the place of beginning.

Your memorialists, in this specification of boundaries, from their own imperfect knowledge of the bearings and relations which different land marks of the country have to each other, have perhaps given your excellency but a very vague idea of the extent and particular location of the tract they desire and claim. By a reference, however, to the map which accompanies this communication, it will be seen that they desire to include upon the east side of Fox river, in round numbers, 161,000 acres, and on the west side 697,000, making the sum total of 858,000 acres for the whole body of the New York Indian tribes. It is believed, from the most accurate census which has been taken of those tribes, that their whole numbers may be computed at 5,549; so that, throwing aside fractional differences, the lands called for as above, will be in the proportion of 150 acres to each individual. From this, subtracting the number of acres which never can be used or improved, there will remain about 120 acres per head of soil fit for the purposes of agriculture.

Your memorialists have taken into consideration the subject of a community of property in these lands, and they unanimously conclude upon reasons of propriety and necessity, that to each tribe there should be a specific allotment, which shall be treated and disposed of as such tribe may deem proper, without the consent or interference of any other nation or interest. It must be apparent to the slightest reflection, that the diversity of interest and pursuit—the extreme difference in language, custom, improvement, and institutions of every kind of the individual tribes, one from another—will render any attempt at amalgamation hopeless and destructive. It would, indeed, place us in circumstances infinitely worse than our present situation, surrounded as we are by a pressure of white population, which is continually urging us from existence. It will be in vain that your excellency shall have interfered for the settlement of our difficulties with the Menomonies, and asserted the right of the New York Indians to lands at Green Bay, if we shall be left to the more fearful consequences of jarring and disunion amongst ourselves.

For these reasons we have unanimously settled the metes and bounds of particular tracts for each tribe now represented, (reserving a proper portion for the use of such of our brethren as may come after us,) to wit: commencing on the east side of Fox river, at a corner made by Thomas Dean, near the foot of the rapids, called the Little Kakalin, and extending up Fox river 8 miles; thence back this width south 45°, east 12 miles, or so far as to contain 61,440 acres: this division for the Brothertown Indians. From which, excluding that part which is unfit for cultivation, there would be about 100 acres per head of tillable land.

By extending the two lines of the Brothertown tract just mentioned, which are parallel with the river to the upper or southern line of the purchase of 1821, by the New York Indians from the Menomonies and Winnebagoes, and including all lands on the river, the tract is defined which we have allotted to the Stockbridge and Munsee tribes, who reside together, and whose interest cannot be separated; and having subtracted the useless from the improvable land, there will be found to be about 110 acres per head.

The tract for the Oneida and St. Regis tribes is located on the west side of Fox river, between the mouth of Duck creek and a point one mile above

the mouth of Apple creek, excluding therefrom the lands occupied by the United States' garrison, all private land claims confirmed, and a piece at the Little Kakalin, understood to be rightfully owned and claimed by M. H. Williams, wife of the Rev. Eleazar Williams; then assuming the distance between the two afore-mentioned points, as a base, or perpendicular, going back at right angles from the given course of Fox river, on this width, so far as to include 240,250 acres of land. The division of this tract between the Oneida and St. Regis Indians, to be in the following manner: beginning at the upper line of private land claims confirmed, No. 29, on the west side of Fox river, near the Rapids des Peres; thence N. W. on said line to the S. W. corner of said land claim, No. 29; thence up Fox river parallel with its course $4\frac{1}{2}$ miles; thence back N. W. parallel with the upper and lower boundaries of the Oneida and St. Regis locations, to the N. W. boundary of the same. The upper division to be for the St. Regis Indians.

Your memorialists would further state, that these amicable arrangements are made at this time with the view of having the concurrence and sanction of your excellency, and such further ratification as in your wisdom may be deemed necessary to bar all future contest and difficulties.

Your memorialists would suggest the propriety of your excellency's immediately presenting all the arrangements and overtures herein contained, (should they meet your approbation,) to Congress, for its confirmation, at this session, in order that the business may be finally adjusted beyond all controversy, and we once more be permitted to abide in the assurance that a home is provided for us and our children, through the kind mediation of the Government of this free and happy Union.

Your memorialists are fully sensible, that in a great measure your excellency has now at your disposal their destinies for happiness or misery, and deeply impressed with the conviction of the integrity and fairness of your excellency's purposes,

They, as in duty bound, will ever pray, &c., &c., &c.

JOHN W. QUINNEY,

Delegate from the Stockbridge and Munsee tribes.

DAVID TOUCEE,

Delegate from the Brothertown tribe.

ELEAZAR WILLIAMS,

Delegate from the St. Regis tribe.

DANIEL BREAD,

Delegate from the Oneida nation.

Test: S. W. BEALL.

City of Washington, January 20, 1831.

CREEK AGENCY, *January 22, 1831.*

SIR: In order to enable me to comply with your instructions of the 18th June last, in relation to the manner of paying the Creek annuity, it will be necessary that the census of the nation be accurately taken, for the purpose of ascertaining the names and numbers of such as are entitled to a portion of the annuity. This will be a work of time and expense. Shall I have it done at the expense of the Government? Should the chiefs wish to apply a part of the present year's annuity to the purchase of provisions, shall I do so? In consequence of the dry summer, they made bad crops last year.

Several of the people of this nation have negroes in Florida; and, in some instances, the negroes have been arrested by their owners, and the Governor caused them to be released, stating that it was so ordered by your department. I also understand that you have issued an order for all the negroes claimed by the children of an Indian, called Black Factor, to be delivered up to a Mr. Floyd and a Mr. Williams, who profess to act as the agent of the children of said Factor. It is proper that I should state for your information, in relation to the Factor's property, that he died about twenty years ago, and his property was distributed immediately after his death, in conformity to the laws and usages of the Creeks, at the time of his death; and much of the property has passed through several hands. There is abundance of evidence to establish the law and customs of the Creeks at the time of the death of the Black Factor. In addition to this, it can be proved that the Factor, previous to his death, made a verbal will, as was usual among Indians when they made any will.

I have the honor to be,

Your obedient servant,

JNO. CROWELL,

Agent Indian Affairs.

The Hon. JOHN H. EATON,

Secretary of War, Washington City.

HAMILTON, MISS., *January 23, 1831.*

DEAR SIR: I have just passed through the Choctaw nation, on my return home from our supreme court. I had an opportunity of seeing and conversing with several of the captains and head-men, on the subject of their removal west of the Mississippi to their new homes, as also in regard to their being satisfied with the terms and provisions of the treaty. They are perfectly satisfied with the treaty, and are anxious to embrace its terms. A few who were at first opposed, are now reconciled, and only wait for an opportunity to emigrate. Those whom I saw and conversed with, among them Mushulatubbe, say that they wish to have provision made for them in their own respective districts; and they will go in families or companies, use their own horses, and such as have provisions of their own, &c. They say they cannot go in steamboats, that the women cannot be induced to go on board of them with their children.

A great many have gone and are going daily. If the Senate reject, or rather refuse to ratify, the treaty, the Indians themselves will virtually do it for them, by abandoning the country.

I will venture the opinion that if ample provision is made for them, that there will not, by the first day of December next, be five hundred remaining in the country.

All disturbances among them have measurably subsided. They have been trying to break some of their chiefs and appoint others. I am pleased to find the Secretary of War take the course he has in regard to that matter; it will have the effect to quell entirely those disturbances.

The above is written partly at the request of Mushulatubbe and others,

and a wish, on my own part, to render my feeble aid in any and every respect where it is probable it might be useful to you or my Government.

I am, with sentiments of high regard,

Your obedient servant,

D. W. WRIGHT.

His Excellency ANDREW JACKSON,

President of the United States.

WASHINGTON, HEMPSTEAD, ARK. TER., *January 29, 1831.*

SIR: The exploring delegation, under our respective guidance, united on the South Fork of the Canadian; and, having examined the lands on that stream, proceeded together to the main Canadian, with the intention of examining the lands on it as high up as the Cross timbers; but above the mouth of the South Fork there is little or no cane, and, the woods and prairies having been recently burned, our horses began to fail, after subsisting for a week on such small patches of dry grass as we were able to find, (which had escaped the fire,) and we were compelled to turn over southwest to the waters of Boggy, a branch of Red river. Continuing our course, we crossed the Leau Bleu and visited Fausse Wacheta.

Thence returning, we crossed the Leau Bleu and Boggy lower down, occasionally touching Red river to Kiamichi; thence down by old Fort Towson to this place, having spent nearly two months busily examining the lands on the above-mentioned water courses. We deem it proper, without taking time to describe the country examined particularly, to give you a slight sketch of our tour through it, and to communicate our impressions as to its capability of affording convenient and ample settlements for the whole Choctaw tribe, and for the Chickasaws.

From Fort Smith to the mouth of the Canadian, a distance of from forty to fifty miles, the Arkansas bottoms are, generally, from one to two miles wide, very rich, and well timbered, with a fine undergrowth of cane, &c. The Canadian bottoms are not so wide; and, as we ascended, became narrower, but are equally rich and well set with cane, until we passed the South Fork, where the bottoms became still narrower, and no longer afforded cane. The principal streams running into the Arkansas and Canadian from the south, above Fort Smith, are the Poteau, San Bois, and South Fork; these all afford some rich, well timbered cane bottoms. The smaller creeks and branches have also some good small bottoms; and, below South Fork, many of them afford fine cane; but the upland is generally poor prairies, or badly timbered or broken.

The dividing ridge between the waters of Red river and the Arkansas and Canadian, lies much nearer the latter than the former; and in the event of the Choctaws becoming disposed to sell a tract to the Chickasaws, this ridge would form a proper boundary. The bottoms above-mentioned would, in our opinion, produce bread-stuffs, and as much cotton land and timber be left, as would support the Chickasaws, and grow as much cotton as they would likely plant for a century or two to come; but the uplands being poor, and affording little or no good timber, and but few good springs, and the want of cane above South Fork, makes it unfit for a large Indian population. United with a portion of the lands north of the Canadian, above the North Fork, the above division of the Choctaws' tract might be

sufficient for the Chickasaws, and comply with the stipulation in the treaty, by which the United States is bound to furnish them with a country; but we doubt of its giving them satisfaction. That portion of the Choctaws' tract lying south of the dividing ridge, above-mentioned, is truly a most valuable country for settlement. The Fausse Wacheta, Leau Bleu, Boggy, and Kiamichi, are all navigable from thirty to fifty miles up; and afford fine, wide, rich, well timbered cane bottoms. Some of the upland is well timbered, and rich; and the prairies are also, generally, rich. This section possesses all the advantages desirable for a large settlement, either for hunters, herdsmen, agriculturists, or manufacturers, or a portion of all; an extensive outlet to the west, with an abundance of game; fine rich cane bottoms for winter, and fine rich prairies for summer range, or for cultivation.

All classes may find a convenient and profitable field for the exercise of their enterprise and industry. The country abounds in springs, and fine streams for mills, &c.

But little has passed between the two delegations on the subject of a purchase, or an arrangement for a union of the two nations, in the settlement of this delightful country. The latter we consider most desirable on many accounts; and may, in our opinion, be most readily effected, if the Chickasaws understood their interest sufficiently well to desire it.

Major Colbert inquired of the Choctaw delegation, whether their nation would sell a part of their country to him for the Chickasaws? and was answered, that the Choctaws did not wish to sell any part of their new country; but there seems to be no objection, on the part of the Choctaws, to receive the Chickasaws as Choctaw citizens. The subject was new to the Choctaw delegation, and was prematurely introduced by Major Colbert, without our advice, having no instruction from their nation. No judgment can be formed now, from what has passed, even of the feelings of the members of the delegation, relative to a sale. After the delegation shall have returned to their homes, and the Chickasaws had time to reflect on their true situation, and the advantages of sharing this delightful country with their younger brothers, and the Choctaws, favorable to such an union, to talk over with the nation the advantages that would result to both tribes from forming such an union, at once decidedly the strongest, wealthiest, and most respectable community of aborigines on the continent of America, with the means in their own hands of soon becoming civilized, educated, independent American citizens, we hope for a favorable result.

As soon as practicable, after our return home, we will forward you a detailed report, embracing an accurate description of the country examined by us, and the information received from hunters, and others, of that part of the Choctaw country lying west of Fausse Wacheta and the Cross timbers, and of the corrections proper to be made on the map; and, at the same time, we trust the parties will have enabled us to judge of their disposition to comply with the wishes of the Government. Our social situations will enable us to ascertain their feelings on this important subject, and you will be promptly advised of them. More time has been consumed, in the examination of the country, than we expected; and, doubtless, more than was expected by you. On meeting and consulting together, we deemed a patient and thorough examination absolutely necessary, in order that both delegations should be convinced that it was amply sufficient for the convenient and profitable settlement of both nations. We regretted that the want of cane or other food for our horses, should have prevented

us from a minute examination of the lands high up the Canadian; but we now believe, from information derived from hunters, that nothing will be lost in the general result of our labors on that account, as the lands above the point we left the river are not at all desirable for Indian settlements.

We are here, without a dollar left in our pockets, and will be compelled to draw on you for a much larger sum each than you considered necessary for our outfits and travelling expenses. We shall use the utmost despatch and economy in returning our delegations to their homes; but the distance is so great, and our horses so worn down and weak, that we cannot reasonably expect, at this season of the year, to perform the trip in less than a month.

We beg that our drafts may be duly honored.

We have the honor to be,

With great respect,

Your obedient servants,

BENJAMIN REYNOLDS,
GEORGE S. GAINES.

The Hon. J. H. EATON,

Secretary of War, Washington.

To the honorable the Senate and House of Representatives of the United States in Congress assembled.

The memorial of the undersigned, citizens of the county of Seneca, in the State of Ohio, respectfully sheweth:

That it is greatly desired by the people of said county, that the Indian title to a certain reserve of forty thousand acres of land, lying in the counties of Seneca and Sandusky, should be extinguished; and, also, that the band of Seneca Indians, by whom said reservation is owned and occupied, should be removed to the country west of the Mississippi river, in accordance with the late act of Congress on that subject, and in pursuance of the policy of the General Government in relation to the Indian tribes resident in the several States.

The Seneca Indians themselves are extremely anxious that the necessary provision should be made by Congress for their removal and settlement, and their chiefs are now preparing to make a journey to the capital of the Union, on their own expenses, to solicit the President, in person, to open a negotiation immediately for the exchange of their reservation for a portion of the country allotted for their permanent residence west of the Mississippi.

The undersigned believe that the continuance of the Indians, in the midst of this new and growing settlement, is of serious injury to the prosperity of the country, inasmuch as it retards emigration, and keeps out of market a valuable portion of territory, which, if the Indian title were extinguished, would be sold immediately to an industrious and enterprising population. The small band of Senecas, which occupies the reservation in question, consists of only about three hundred souls, including women and children. But few of them subsist by agriculture; and they are, generally, in a poor and suffering condition, and fully sensible that it is greatly for their future interest and happiness that they should be soon removed to a country better adapted to their habits of life.

The undersigned, therefore, respectfully pray that Congress will, at the

present session, make the necessary appropriation to enable the President to open a negotiation with the aforesaid band of Indians, and provide for their removal.

January 31, 1831.

John S. Rirfsnider
William Park
Joseph Briggs
Andrew Finchey
William Scott
A. Rawson
Samuel Graham
Dennis Spurrier
Lewis Keller
Samuel Smith
Levi Wilkin
John Henning
Benjamin Briggs
Samuel T. Bayard
John Park
James Boyd
George W. Gest
Jacob Stem
Lewis Bartszell
Solomon Bartszell
Henry Crowse
David Andricks
William H. Cornell
John Gooding
Calvin Bradley
T. Kuhn
James W. G. McClue
Eli Todd
Robert W. McCluer
James Robinson
Frederick Ambrose
John McGer
George Pank
Joseph Walker
Henry Yeakey
Jefferson Frieze
John Walker
David Bishon
Jacob Huss

John H. Pitezel
Jacob Heuterd
David Dever
Thomas Layd
John W. Patterson
George Donaldson
William Clarke
John Dildine
Thomas J. Hedges
John Searbs
Joseph Mason
Alexander Mason
Henry Zimmerman
Robert Garrett
David Beck
Jonathan Lee
Freeleneh Kirhler
Richard Sneath
Henry Krintz
John Baugher
John Young
Archibald A. Patterson
Francis Bernard
Daniel Dredine, jr.
Aaron Umsted
David Hays
Charles Helbonn
Jacob Plane
John M. B. Cary
M. M. Neal
William Welch
Alexander Smith
James Thompson
Seldin Young
Evan Dorsey
John G. Turner
John D. Laughter
John Pettinger.

February 1, 1831.

DEAR SIR: The Onondaga chiefs and young warriors, together with the second christian party of the Oneidas, in a council, at the council-house, at the castle, wish me to represent, through you, to the President, (*their father*), that they have been informed that a number of Indians, from Green Bay and elsewhere, have gone to Washington for the purpose of informing the

President that the whole Six Nations are desirous of surrendering the small remnant of the land the Great Spirit gave them in the days of their fathers, and emigrating to the west; that if any such representation should be made to the President, it is only the voice of a few speculating individuals, and not the voice of the whole Six Nations in their council at Buffalo, the only place to consult and agree upon such subjects. That the aforesaid Indians are desirous that the President should know, (as they look to him as their father,) that they wish to live and die where the God of nature has planted them, as a distinct and independent nation under the protection of our Government, in accordance with the treaties heretofore made.

They also wish the President would discourage all white persons in enticing and influencing any of their people to leave their tribes and go to the west, as they have been seriously aggrieved and annoyed in this particular, during the two last years; that they are particularly anxious in remaining together either here or somewhere else. They also wish the President, through you, (or otherwise,) would answer this communication, advising their tribes they can be happier where they are if they are temperate and industrious, than they can to move; and they will take great pleasure in getting together and hearing it read. They say it has always been held out to them, by the Governor of this State, that they should live and enjoy their small reservations in this State, as long as wood grows and water runs, and be protected, they and their children.

The chiefs wish to be remembered to the President.

The above is the language of the chiefs, &c., as near as may be. You, being familiar with the dispositions of our Indians, I hope, therefore, (although the *President* has nothing to do with this matter,) that you will forward to me *something* that will be *satisfactory* to them, as they have been in the habit of hearing heretofore.

With esteem and respect,

I am, yours,

CHARLES A. BAKER.

Honorable JONAS EARLL, Jun.

WASHINGTON CITY, *February 1, 1831.*

You are specially authorized and directed to enter into some amicable arrangement with the Menomonie tribe of Indians, now at the City of Washington, for a settlement of their dispute with the New York Indians, and to obtain from them such cessions of country as may appear just and reasonable, and also such portions of their country as they may be disposed to cede to the United States. Given under my hand.

ANDREW JACKSON.

To JOHN H. EATON, *Secretary of War*, and
S. C. STAMBAUGH, *Agent at Green Bay.*

BROWN'S HOTEL, *February 1, 1831.*

BROTHER: We are sent from the Creek nation as a delegation, acting under an authority of the head chiefs, and are duly authorized to make the following communication.

Brother: we have not come here with any hard feelings towards either yourself or our father, the President; but, on the contrary, we have entire confidence in your good intentions. And we wish you to say to our father, the President, although he has said Alabama has a right to extend her laws over our country, yet that same confidence and good faith prevails among our people in him, that did when we fought by his side; and we cherish the belief that every exertion on his part, as well as yours, will be to do us justice.

Brother: our agent, Col. Crowell, in a recent talk to our nation, has said, he is hereafter directed to pay our annuities without respect to our chiefs. The larger part of our nation have, during the last five years, been compelled to move and make new fields, therefore have contracted many debts; those debts are generally secured by the chiefs; and besides, three years since, one half of the nation had to be supported by the use of our annuity, and there yet exists notes to a considerable amount unpaid, given by our chiefs; and should they not have the management and use of the annuities, they will be compelled to pay: we, therefore, in behalf of our nation, pray for it to be paid, agreeably to immemorial usage, to the head chiefs, for them to distribute as they may think best. Our agent in another talk has said, there is a probability of the guardian care of our country being withdrawn; this was strange news to our people, and has filled their minds with trouble. The agent is the only friend we can look to with confidence and certainty, when we get in difficulties with the whites; he is the only organ of communication we have with your Government, and on whose counsel and advice we can rely. Deplorable as our condition is, it would become much more aggravated should the agency in our country be abolished. The commissioners appointed under the authority of the treaty made at this place in 1826, to value improvements within the then ceded territory, for some cause omitted to appraise a considerable number of them lying on the west side of the Chatahoochie river; we wish our agent to be instructed to cause them to be valued, and their valuation paid to their owner. We call your attention particularly to that of our being deprived from crossing water courses forming boundaries to our country, both by the States of Georgia and Alabama, without paying ferriage, and still our half of the proceeds arising are refused us. This we believe to be a palpable infraction of all treaties made with the United States. Our instructions particularly require us to communicate to you the emigration of the whites to our country; they have abundantly moved amongst us. We have made application frequently to our agent for their removal, and, until recently, our requests have been punctually complied with; and the cause, our agent has informed us is, that on application to the military force they have refused their assistance. We wish to be informed whether such intrusions will be permitted. We have ever lived in assurance that our father, the President, would prevent his white children from intruding upon us. Our delegation here last winter, on their return, told the nation that he particularly said to them that no intrusions would be permitted, and that he had troops amongst us to prevent it. Agreeably to our father's decision, in relation to the true line between us and the Cherokees, it appears that there is a considerable tract of country thrown to us, which we have had no value for. We wish to be informed upon that subject; particularly the extent of territory, and to the certainty of the line being finally settled. Should it be settled to be the Creek right, we shall be qualified to make an arrangement with you in relation to it. Previous to our leaving the nation, a number of our

people made application to our agent, (for the dues for improvements they had valued to them by Minns and Betton,) who was appointed a commissioner by the authority of the treaty of this place in 1826: his answer was, that the books had been returned to the Second Auditor's office. Some of the applicants gave our conducting agent, Col. Brodnax, receipts, and also a power to draw their money. We wish such applicants to be paid; and we further pray for the books to be returned to our agent, with instructions for him to pay such as have not been paid.

Your friends and brothers,

TUCK-E-BACH-EE-HAJO, his x mark.

OCH-TE-ACHEA EMATLA, his x mark.

For the Creek nation.

THOMAS CARR, *Pt. Interpreter.*

PADDY CARR, *U. S. Interpreter.*

JOHN H. BRODNAX, *Conducting Agent.*

To the Honorable JOHN H. EATON,
Secretary of War.

N. B. It is particularly requested by the nation that we should ask of you the favor of paying our expenses while on this mission.

CREEK AGENCY, *February 2, 1831.*

SIR: It seems that the upper Creeks have become jealous of the delegation now in Washington, (they having been selected from the lower towns,) and have appointed another from the upper towns to visit the city of Washington. I am not informed of the object of this delegation, or whether they are to act under the same instructions with the one now in Washington; it would seem, however, that they are clothed with separate and distinct powers, from the circumstance of their taking with them their own clerk and interpreter.

I have the honor to be,

Your obedient servant,

JOHN CROWELL,

Agent for Indian Affairs.

The Honorable JOHN H. EATON,
Secretary of War.

February 7, 1831.

DEAR MAJOR: The enclosed was received some time since, and has been unattended to, waiting your return. I beg your attention to it at as early a day as your leisure will permit: you are the agent appointed by me to attend to this fund, and I conceived it best to let the answer be from you.

I am, very respectfully,

Your friend,

ANDREW JACKSON.

The Honorable JOHN H. EATON.

P. S. When you were here I forgot this business, and now enclose it lest it might be longer forgotten.

PHILADELPHIA, *October, 9, 1830.*

SIR: I have the honor to transmit to your excellency a communication from the cashier of the trustees of the late Bank of the United States, which has been made to me as one of those trustees, and as their professional adviser. The dividends of capital appertaining to 220 shares of the stock of that bank, standing in the name of the President of the United States, for the time being, in trust for the Seneca nation of Indians, have been paid, it appears, to the attorney of the different Presidents, including your excellency, without producing a certificate for 205 of those shares. These payments have not been made in conformity with the general practice of the trust, which in every other instance has required the surrender of the certificate, that it might be stamped as the dividends were paid; but the representation of the loss of this certificate, has induced the different cashiers to pay the dividends upon their own responsibility, without the authority of the board of trustees, and it is believed without the knowledge of any of its members, until the late communication from Mr. Roberts. The instance of the certificate in the hands of Mr. Burt, under the circumstances stated by the cashier, I have thought my duty to make known to the President. The power of the law will doubtless be adequate to the recovery of the certificate, if Mr. Burt is not entitled to detain it; and on behalf of the trustees, I request of your excellency, that it may be so recovered and surrendered to them, that the dividends paid may be stamped thereon by their cashier. Any information or assistance which the trustees or their officers can give in aid of this pursuit will be cheerfully contributed.

I have the honor to be, with much respect,

Your excellency's most obedient servant,

HORACE BINNEY.

His Excellency THE PRESIDENT OF THE UNITED STATES.

OFFICE OF THE TRUSTEES OF THE LATE BANK UNITED STATES,

October 8, 1830.

SIR: Yesterday a gentleman of the name of George Burt, who, I am informed, is a respectable merchant at Buffalo, in the State of New York, called at the bank to inquire whether there was not stock in the late Bank United States belonging to the Seneca nation of Indians, and at the same time informed me that he had a certificate for 205 shares which he received from that nation with power to receive dividends.

On the books of the late bank there are 220 shares of stock in the name of the President of the United States, (for the time being,) in trust for the Seneca nation of Indians. Of this stock, the following certificates for 15 shares are in possession of the trustees.

C.

Certificate, No. 33,797, dated January 5, 1804, for	-	-	9 shares
Do. " 36,633, " " 6, 1806, "	-	-	1 "
Do. " 37,371, " " 6, 1807, "	-	-	5 "

15

In possession of Mr. Burt, (which is the certificate heretofore missing,) - - - - -

205 "

220 shares

The dividends on all this stock have been paid to Callender Irvine, Commissary General, residing in the city, under power from the different Presidents, since the expiration of the charter of the late Bank United States. The last dividend, say fourth extra dividend, was paid to Mr. Irvine, under power from the present President, General Andrew Jackson, dated Washington, 8th of May, 1830. The dividend was paid on the 21st of the same month. I objected to paying Mr. Irvine this dividend on account of the deficiency of certificates held by the trustees; he considered it extraordinary that any difficulty should be made at this late period on that account; he, however, agreed to write to Washington on the subject, which he did, and produced a letter to me from the Secretary of War, expressing astonishment at the demur of payment, saying that the cashier of the bank must be aware of the loss of the certificate, and that, for his part, he could account for it in no other way than by supposing it to have been burned in the conflagration of the War Office and its contents, during the war. On perusal of this letter I immediately paid the dividend to Mr. Irvine.

My object in stating to you the above facts, is to inquire of you whether it would not be expedient immediately to endeavor to obtain the certificate now in the hands of Mr. Burt, in order that it may be lodged with the others in possession of the trustees, previous to a final dividend being made.

Very respectfully, yours,

J. ROBERTS, *Pres. Trustees.*

HORACE BINNEY, Esq.

COLUMBUS, OHIO, *February 10, 1831*

DEAR SIR: This day five Seneca chiefs, accompanied by their sub-agent, Mr. Brish, set out for Washington, for the purpose of expressing to the President their great anxiety to remove to the west. When their intentions were made known to me, I, in the first place, concluded to prevent their intended visit; but, on reflection, I well knew, if I did, what their feelings and those of their people would be, and what would be said by many citizens. I therefore, left it to themselves to go or to stay, at the same time stating to them, that the Government would not pay their expenses, nor that of any other Indian, unless specially authorized to go by the Secretary of War.

Two or three weeks ago, Mr. Brish informed me of the intention of the chiefs, and asked permission to accompany them. I informed him that I could not give my consent, but that he might act his own pleasure, believing, at the same time, by this reply, that he would abandon the idea, and persuade the chiefs to do likewise; but, to my surprise, he arrived here, this morning, with them, on his way to Washington. I do not know that Mr. Brish urged the chiefs to visit Washington; but I think it more than probable that he did; and if their presence is not acceptable, or, in any other way, calculated to embarrass or interfere with the arrangements of the department, I shall be extremely mortified. I have deemed it proper to explain this matter to you, as I am confident it must be perplexing to the department, to be pestered with Indians during the sitting of Congress; but, taking all things connected with this visit, I could not well prevent it. Our Indian affairs, in the agency, go on smoothly, except a little hard feel-

ing, on the part of the Wyandots, on account of the retention of one hundred and seventy five dollars of their annuity, last year; and I do hope that this matter may be arranged as speedily as possible, and I would be much pleased to be informed of the nature of this difficulty, so as to be able to explain the same to the chiefs. The chiefs, a short time since, got some one to prepare a petition for them on the subject, which was forwarded to me, with a request to transmit the same to the Secretary of War; but the language made use of in it was such as to induce me not to grant their request; it may, however, be forwarded by some one else.

I am, very respectfully, sir,

Your most obedient servant,

JOHN McELVAIN, *Indian Agent.*

To Colonel S. S. HAMILTON.

DETROIT, *February 11, 1831.*

SIR: The season has been so bad that I have not yet received an answer from Mr. Kinzie, the sub-agent at Fort Winnebago, to whom the letter of Mr. Street was forwarded, concerning the division of the annuity, due to the Winnebago tribe of Indians. As it is possible his answer may not reach here until after the proper time for the remission of funds from the department, I recommend that the same division be made as was made last year, namely, fifteen thousand dollars for payment at Fort Winnebago, and three thousand dollars for payment at Prairie du Chien. A detailed statement, exhibiting the several bands, villages, and numbers of the Winnebagoes, under their respective chiefs, was made out last season by Mr. Kinzie, and left in the War Department, as the groundwork upon which the apportionment was made. I am perfectly satisfied of its accuracy, as well as of the knowledge of Mr. Kinzie on the subject. I presume he knows personally every chief in the nation, and all the villages and bands. His schedule showed, from their local position, what portion of the tribe was most convenient to Fort Winnebago, and what portion was most convenient to Prairie du Chien. Should his answer to my letter be received in any season, it shall be forwarded without delay.

Very respectfully, I am, sir,

Your obedient servant,

LEWIS CASS.

To SAMUEL S. HAMILTON, Esq.

BROWN'S HOTEL, WASHINGTON, *Feb. 15, 1831.*

BROTHER: It appears, from a conversation that took place this morning with our agent, Colonel Brodnax, and our father, the President, that there is a misconstruction of our business to this place; that we are here for the purpose of prosecuting the question Mr. Wirt has in the Supreme Court, in relation to Indian rights. We can say to you, that we have no such instructions from our nation. We have been appointed only to attend to such business as immediately concerns our own people. We have no busi-

ness in the Supreme Court. Our business was entirely with the Secretary of War, and the Congress of the United States.

We hope that you will be so kind as to take our instructions to the Secretary, and make the necessary explanations, in relation to our business. We are very sorry that such an opinion has been entertained; you can see very plainly that we are differently instructed.

We wish you also to make an inquiry of the Secretary, if we can be permitted to draw on our annuity for such an amount as will pay our expenses. We have been detained, and shall be again, owing to the roads and ice.

We have the honor, &c.,

TUCKE-BACHEE-HAJO, his x mark.

OCTE-ACHEE-EMARTHLA, his x mark.

THOMAS CARR, *Interpreter.*

To Major HAMILTON,

Head of Indian Department.

CREEK NATION, *January 7, 1831.*

BROTHERS: Having full confidence in your prudence, and your good intentions towards our nation, we have appointed you as a delegation to visit Washington City, during the present sitting of Congress; and by the authority vested in us, as head chiefs of this nation, do appoint and constitute you and each of you as such, also Paddy Carr and Thomas Carr as your interpreters, to represent the Creek nation in all manner of things on which its interest depends, before the Congress of the United States, and also to the President of the United States. We have chosen Major John H. Brodnax, as your friend and agent on the mission. You are particularly required to advise with him on all business which may be transacted, in relation to the affairs of the nation; and in no instance are you permitted to advise, or take the advice of, any tribe or tribes of Indians, or any other persons' talks, except it is in accordance with the advice of your agent, or what is embodied in the memorial which we entrust with you, to be presented to Congress. Your good conduct and well-doing will be expected by your countrymen.

With every confidence of success, we have this day, in open council, representing the Creek nation, subscribed our names.

NE-HAH MICCO, his x mark, *P. Chief of the Nation.*

TUS-KE-NE-HAH HAW, his x mark, *of Coseata.*

ORIS HAJO, or BROKEN ARROW, his x mark.

NE-HA-EMARTHLA, his x mark, *of Hitchee-tee.*

TUS-KE-NE-HAH HAW, his x mark, *of Chehaw.*

TUS-TE-NUC HAJO, his x mark, *of Ufaula.*

In the presence of

JOHN H. BRODNAX.

N. F. COLLINS.

PADDY CARR, *Interpreter.*

To TUCKE-BACHEE HAJO and OCTE-ACHEE EMARTHLA.

FORT WINNEBAGO, Feb. 16, 1831.

SIR: I received, on the 12th instant, your letter of Nov. 9th, 1830, enclosing certain papers from the War Department respecting the application of a man to the Winnebagoes of Rock river and vicinity, to have the place of paying their annuities changed.

The project of some of the traders of the lead mines for having the payment of the annuities transferred to some point in their neighborhood, has been long in agitation, and *every means* resorted to with the Indians of that quarter to induce them to urge it upon the Government.

Messrs. Gratiot and Pedreville (whom Mr. Burnett, the sub-agent, omitted to mention *as concerned in trade together*) are the most zealous for accomplishing this object. I shall merely remark, for your information, that they have a considerable claim against those Winnebagoes; that Mr. Gratiot is very anxious to obtain the appointment of sub-agent on Rock river, notwithstanding his present extensive engagement in business, and avails himself of every occasion to prejudice the Indians, as much as in his power, against this agency, in order, I presume, to strengthen his claims. He has the weakness to say to those Indians, and, perhaps, to think, that if the place of payment should be changed the money would pass through his hands. Mrs. Mayotte, who interpreted for Mr. Burnett, lives with Mr. Gratiot, and is the organ through which Messrs. Gratiot and Pedreville keep up the excitement with some of the Indians of that country.

With the promise of a few bottles of whiskey much can be effected. The speeches embodied in Mr. Burnett's report are not the sentiments of those Indians. The *White Crow* has professed great friendship for me; and I have no reason to think his sentiments changed, since he *was the first* of the Rock river chiefs who came here to receive his annuity.

Many good reasons can be assigned why the payment of the annuities should be made here in preference to any other point in this vicinity; and for the information of the department I shall mention the most prominent.

First. That in less than two days *three-fourths* of those Winnebagoes, and in three days all, can be present to receive their money; the most remote village on Rock river from here not being over 70 or 80 miles.

Secondly. There is not a white inhabitant settled on any of the roads leading from their respective villages to this place; consequently they would not be tempted to commit any depredations, or be liable to procure any ardent spirits.

Thirdly. Because the introduction of whiskey at this place, during the annuity payment, is strictly prohibited, both by the military and myself. And

Fourthly. The situation of this post is of easy access to the merchants of the lakes on one side, and to those of the Mississippi on the other; thereby inviting competition in trade, to the great advantage of the Indians.

On the other hand, by having the annuities for the Rock river Indians paid at some point in the mines—for instance at Gratiot's grove, as requested—(which, by the by, is not nearer to them than this post,) the Indian would lose all these important advantages. Liquor would be the chief article of trade; they would be subject to robberies; they would, when in a state of intoxication, on their return home, steal horses, kill hogs, &c., which they would eventually have to pay for, and be subject to many difficulties with the inhabitants.

All the principal chiefs of Rock river and vicinity, with their respective

bands, received their proportion of the money here last fall, with the exception of some families,* who, it was reported, had not been notified. On my arrival at Green Bay, on the 13th September last, I wrote to Major Twiggs, the commanding officer at this post, who received my letter on the 16th, and he lost no time in giving the necessary notification. The following is an extract of my letter to him.

“Will you be good enough to get Mr. Paquette, a Winnebago interpreter, to employ three or four young Indians to give notice to the *Rock river* Indians, as well as the others, (except the Pine river band, Wisconsin,) to come to Fort Winnebago by the 10th proximo to receive their money, &c. Please tell Mr. P. to send in *my name*, and to have them reach your place by the 9th.”

I am thus explicit, because I understand it has been said the Rock river Indians did not receive timely notice to attend the payment. *They* afterwards acknowledged that they *had* been notified, but that Mr. Gratiot prevented their coming; saying that he was their *father*, and would bring them their money. Mr. G. did make application to send their proportion of the money to them, which I declined. I postponed the payment *two* days longer, having sent a second notification; and, at the *request* of all the Rock river chiefs and others, present, paid out the money on the 12th October, to their entire satisfaction.

With respect to the *talk* which accompanies Mr. Burnett's report, I am unable to understand its import. I was not aware that exertions had been made, by any one, to have the “villages of the Rock river moved to the Wisconsin.” This *talk* was written by one, and witnessed by three, of Mr. Gratiot's clerks, and his brothers.

In regard to their complaints of a blacksmith not having been sent to them, I have to reply that I was not notified until late in the summer to establish a blacksmith and shop among them. The establishment has been in operation ever since the beginning of October last, at the place designated by them on Sugar creek.

Very respectfully, sir,

Your obedient servant,

JOHN H. KINZIE,
Sub-agent Indian Affairs.

His Excellency Gov. CASS, *Detroit.*

DETROIT, *February 25, 1831.*

SIR: It affords me great pleasure to enclose you the copy of a resolution passed by the Legislative Council of this Territory, which I have this day transmitted to the President of the United States. We are, to be sure, a distant and comparatively unimportant community, nor is our feeble testimony of any consequence to the General Government; but we claim to have some knowledge of the condition and feelings of the Indian tribes who live around us and among us; and we know that the treaty recently concluded at Washington with the Menomonies, by which an extensive cession has been

* A few of these were detained from the payment on account of sickness.

obtained, the difficulties between that tribe and the New York Indians adjusted, and the peace of the northwestern frontier secured, is one of the most important events which has occurred in this quarter of the Union.

And it is rendered the more gratifying because it has been effected by the voluntary interposition of the Government, without any application from the citizens of the Territory, and without a previous provision by Congress. Thereby demonstrating that the Government is impartial in its efforts to secure the welfare and promote the prosperity of the whole Union, without reference to geographical distinctions or political influence; for they have obtained for us, unasked for, who have no special claims, what they have been striving to obtain for some of the States, who may urge the faith of compacts, as well as other paramount considerations, in favor of the demands they have urged for the removal of the Indians.

I am happy to say that the result is one which gives high gratification to our citizens. They see evinced a wish to be liberal to the Indians, and, at the same time, a wise foresight and a generous policy towards the Territory. I have the honor to forward one of the papers printed here, by which you will perceive the feelings with which this subject is regarded. I have no belief the object could have been effected out of the immediate influence of the Government.

With great respect, sir,

I have the honor to be,

Your obedient servant,

LEW. CASS.

Hon. JOHN H. EATON.

“Resolved by the Legislative Council of the Territory of Michigan, That in the treaty recently concluded at Washington, under the superintendence of the Secretary of War, and by direction of the President of the United States, by which the Menomonies have ceded to the United States a valuable region upon Lake Michigan, and have made a liberal provision for the present and future residence of the New York Indians, this Territory, and in fact the northwestern country generally, have reason to be highly gratified. This cession is fertile and valuable, and it will ensure a speedy settlement upon a frontier which has been much exposed, and is yet among the weakest in the Union. It opens to our citizens almost the whole coast of Lake Michigan from the mouth of Green bay to the mouth of Grand river, a region which will, ere long, become the home of an industrious and enterprising population. This Council recognizes in the liberal stipulations made in favor of the northwestern Indians, a determination on the part of the Government to treat them humanely, and to secure to them a consideration far more important in their actual situation than that portion of their hunting grounds which they have ceded. If the New York Indians are not prevented from accepting the ample provision made for them, their long pending difficulties with the Menomonies will be terminated, and every impediment removed to their own permanent prosperity, and to the immediate occupation and settlement of the country. In this arrangement, evidence is also furnished, to those by whom such evidence could be required, that the views of the President are not directed by sectional considerations,

but that the north and the south are equally the objects of his care and attention.

“*Resolved*, That the Governor be requested to transmit to the President of the United States a copy of this resolution.”

A. EDWARDS,

President of the Legislative Council.

The foregoing is certified to be a true copy of the original resolution adopted by the Legislative Council of the Territory of Michigan, February 24, 1831.

E. A. BRUSH, *Secretary.*

WASHINGTON, *February 26, 1831.*

FRIEND AND BROTHER: The communication addressed to the President, through you, in relation to the line in controversy, between the State of Georgia and the Cherokees, on which General Coffee has reported to you, must not be understood, that the Creek nation has ever had a claim thereto, or that they are willing to cede it to the United States, or enter into treaty, by which they will be enabled to receive payment therefor. The Creek nation acknowledges no other boundary but the one fixed by treaty between themselves and the Cherokee nation. This explanation is made from positive instructions by the Creek nation, for the government of the Creek delegation, now in this place; brought here since we addressed the communication by the last arrival of a part of the chiefs, composing this delegation.

We are your friends and brothers,

TUCKE-BACHEE-HAJO, his x mark.

OCTE-AH-CHEE-EMARTHLA, his x mark.

THS. CARR, *Interpreter.*

HON. SECRETARY OF WAR.

CHOCTAW AGENCY, *March 2, 1831*

SIR: I am requested by Mingo Netuchache, who is now on his way from the Choctaw lands west of the Mississippi, through you to present his respects to the President of the United States, and let him know that he has returned to his native land in good health and all his party. He says the country he went to see was as good as he had expected it to be; and regrets to hear that the late treaty is not yet ratified by the proper authorities. He adds that if the Choctaws are to remove, the sooner the better, as he finds that their hunting grounds are very much occupied by other nations of hunters, such as Osages, Delawares, Shawnees, Cherokees, Creeks, and others; all of which he expects to be removed off the Choctaw lands, when it shall be occupied by the rightful owners.

He says the exploring party suffered much with cold, as the snows were deep and weather cold.

This chief requests me to say to you that it has been the custom with other Choctaw chiefs to receive medals from Government, and wishes he may be

forwarded one of the likeness of General Jackson, as there is none of that kind in this nation, and as he fought the common enemy with the General, he prefers one of his likeness.

I regret to see, in the missionary heralds and newspapers, such opposition to the Indians removing beyond the Mississippi. Surely it little becomes those who have received such generous patronage from the Government and the Indian tribes, to try to thwart the views of Government, and the best interests of those unfortunate people of the forest.

If I could believe this opposition were from a humane spirit alone, I could then pity them; but too much reason appears it is from selfish motives only.

I have the honor to be,

Very respectfully,

Your most obedient servant,

W. WARD, *Agent C. N.*

Hon. JOHN H. EATON,

Secretary of War.

WASHINGTON, *March 4, 1831.*

SIR: I must request that the amount of appropriation to carry into effect the late treaties at Prairie du Chien, with the several tribes of Sacs, Foxes, Mahas, Ottoes, Ioways, Sioux, &c., be placed to my credit in the Branch of the United States Bank at St. Louis, and which will be required for immediate application, as will also the first half years allotment for current expenses of the superintendency at St. Louis, embracing the sub-agencies of the Ioways, at Peoria, Kaskaskias, Mandans, and Upper Sioux, on Missouri; which will amount to \$12,637. The amount necessary for the two half quarters of the year ending the 31st December, 1831, as allowed, can be obtained on bills drawn on the Department of War, when required.

All other sums which it is intended shall be disbursed through the superintendent at St. Louis, for carrying into effect the provisions of the Sac, Fox, and Ioway treaties of 1824; the Osage, Kansas, and Shawnees treaties of 1825; and under the appropriation of 3d March, 1831, to carry into effect the provision of a late treaty with the Delawares; for the expenses of emigrating Indians; for the building of agents, sub-agents, and blacksmiths' houses; for the surveying half-breed Sac and Fox lands; and for annuities due under former treaties to the Ioway and Kaskaskia tribes, I wish placed in the United States Bank at Philadelphia, subject to my order.

The principal Indian agents will require the following sums to be remitted to them for the first half of the present year, that is to say:

To Major *John Dougherty*, agent on the upper Missouri, \$2,500 for the current expenses of his agency.

To Major *Lawrence Taliaferro*, agent at St. Peters, \$2,440 for the current expenses of his agency.

To General *J. M. Street*, agent at Prairie du Chien, \$2,300 for the current expenses of his agency, and \$4,212 50 for the annuities due to the Winnebagoes residing above Prairie du Chien.

To Mr. *Felix St. Vrain*, agent for the Sacs and Foxes, (Fort Armstrong,) \$2,150 for the current expenses of his agency, \$2,000 under provision of the fourth article of the Sac and Fox treaty of 1824, and \$2,000 annuity due to those tribes under former appropriations.

To Major *Richard W. Cummins*, agent for the tribes of Delawares, Shawnees, Kickapoos, Piankeshaws, Weas, and others, near the mouth of Kansas river, \$4,495 for the current expenses of his agency, and \$15,425 for annuities due those tribes.

To Mr. *P. L. Chouteau*, agent for the Osages, \$4,150 for the current expenses of his agency, \$1,200 for the pay of two agriculturists, and \$8,500 for annuities due that tribe.

To General *M. G. Clark*, agent for the Kansas, \$1,762 for the current expenses of his agency, \$600 for the pay of one agriculturist or hired man, and \$3,500 annuities due the said tribe.

I have the honor to be,

With high respect,

Your most obedient humble servant,

WM. CLARK

The Hon. SECRETARY OF WAR.

WASHINGTON, March 8, 1831.

The undersigned, one of the Brothertown Indians, residing in the State of New York, respectfully represents:

That whereas certain persons of his tribe are the lawful heirs to, and owners of, a certain parcel of land, in the town of Groton, county of New London, and State of Connecticut; that being desirous to sell the same, the aforesaid heirs and owners have constituted the undersigned their proper and lawful agent and attorney for that purpose.

Now, therefore, if the honorable the Secretary of War will treat for the said land, and will appoint Col. S. C. Stambaugh, or any other person in whom he has confidence, a commissioner, the undersigned will sell said land forthwith to the United States.

DAVID TOWERS, of the Brothertown.

To the Hon. JOHN H. EATON, *Secretary of War*,
Danville P. O., N. Y.

CHICKASAW AGENCY, March 18, 1831.

SIR: I have taken the liberty of drawing on you for five hundred dollars, payable to G. A. Pyncheon, or order, of Florence, Alabama, dated the 17th inst., which, I trust, will be duly honored, and charged to me, on account of expenses and pay of the party under my charge, on my late exploring tour.

The circumstances under which I am placed, I trust, will plead my apology, as I had purchased three horses and hired a servant, with other ex-

penses connected with the trip, and which I had promised to discharge on my return, which will be exhibited in my account of disbursements, which is in a state of preparation, and will be forwarded as early as possible.

I have the honor to be,

With great respect,

Your obedient servant,

BENJ. REYNOLDS,

Chickasaw Agent.

Hon. JOHN H. EATON,

Secretary of War, Washington.

CHOCTAW NATION, *March 24, 1831.*

We, the undersigned chief, captains, and head-men of the northeastern district of said nation, being desirous to have a leader or conductor to carry us to our new homes, on the other side of the Mississippi river, ask, as a favor, of our great father, the President, to appoint our friend and brother, P. P. Pitchlyn. He knows the country, and we would rather go under him than any other person. Many of us will send part of our families this year, and move the next year. We would feel better satisfied to know they were under the control of a man whom we know and have confidence in.

Your friend and brother,

MUSHULATUBBE, his x mark, *Chief.*

AND TWENTY-ONE OTHERS.

Test: JOHN PITCHLYN, } *U. S. Interpreters.*
M. MACKEY, }

TO OUR GREAT FATHER,

The President of the United States.

CREEK AGENCY, *March 26, 1831.*

SIR: To my great surprise, after returning to the Creek nation, I was informed by many respectable Indians, that the second delegation which came to Washington, had been sent by the upper towns to protest against any thing which might have been done by the delegation under my charge. This was caused by certain white men who were unfriendly to Col. Crowell and myself. They persuaded the Indians that I had deceived them; that no doubt I would effect the object I intended, that was, to sell their country, and to have them driven west of the Mississippi; that the agent was engaged with me in the object; that for the last two years we had been industriously employed in effecting what we had now done; their country was gone; the head chiefs of the lower towns we had bribed into measures. This not only caused the deputation to follow us, but the upper towns met for the purpose of decreeing the death of such as was instrumental in such a cession of their country, and if they did not enter into such a decree, they

made such threats against the lower towns as to have given considerable alarm, particularly to the head chiefs.

The deputation which was under my charge particularly requested me to say to you, that it is all important that an answer should be given them, to their several inquiries made to the Secretary of War. They believe nothing else will finally give general satisfaction to the nation; although, since the return of the second deputation, a reconciliation seems to have taken place. In a few days, the whole nation meets, at which they have invited their agent, Col. Crowell, to attend; after which, should any thing take place of importance, it will be communicated to the Secretary, through him. Such circumstances will a long time keep off a general arrangement by those people with the Government. And the only plan, in my opinion, to remove them, will be to carry off such as are willing; and should such steps be taken, I sincerely believe it would only be a few years before an entire removal would take place.

Respectfully, I have the honor to be, yours, &c.,

JOHN H. BRODNAX.

Major S. S. HAMILTON.

CHICKASAW AGENCY, *March 27, 1831.*

SIR: I had expected, before this, to have been able to have forwarded my accounts for travelling expenses, and advances made to the delegation on account of their pay, &c., but in consequence of Mr. King's bad state of health, I thought it advisable to send him by the way of Cantonment Gibson, under the care of Dr. Baylor, of the army, and Lieutenant Dawson. The circumstance of our separation was unexpected until it took place, and Captain King carried with him some of my vouchers; and I also had to charge him with the payment of my pilot, who I turned over to Lieutenant Dawson on our separation, and for a public horse which I had bought at the Cantonment on a credit, not having the cash to spare to make the payment. Captain King has returned with improved health, and I expect him at the agency daily; when I will, as early as possible, complete my accounts, and forward them.

I have learned, by a letter from a friend in Memphis, that Major Levi Colbert arrived at that place on the 18th of this month, on his way from Texas; where we advised you, from Little Rock, he had gone, with four others of the Chickasaw delegation. I have not learned particulars, but shall look for him in a few days, as he promised that as soon as he returned he would come and see me, when I will give you a detailed account of his trip and his views, so far as I can ascertain them.

In the joint report made by Col. Gaines and myself on the 29th January last, we mentioned the fact of there being an ample quantity of land within the Choctaw limits west of Arkansas, for the comfortable and advantageous settlement of the Chickasaw and Choctaw nations; but, from its lo-

cal situation, it is not so well calculated to divide and give general satisfaction as could be desired.

To make the line along the ridge which divides the waters of the Arkansas and Canadian from Red river, as suggested in our report, would give the Chickasaws an ample country, but we doubted its giving them satisfaction. In addition to their disposition to murmur, a prejudice exists against that division of the country, and which I have no doubt grew out of the way it was passed through by the exploring parties of 1828 and 1829. Major Colbert and one or two others that were with me were of that party. They set out from Cantonment Gibson, and travelled as direct a course as their pilot was able to conduct them to the Canadian river, and crossing near the mouth of the South Fork, and up the same only a few miles, (for I was pointed to their last camp,) they saw a mocasin track, and turned east, along a hunter's trace to Fort Smith, travelling at the rate of thirty-five miles a day, and without seeing one bottom on the Arkansas, and only what they saw at the crossing of the Canadian. The route they took was calculated to make the most unfavorable impression in relation to the country for settlement: and I found, upon my approaching the country, that so much had been said by the former delegation in its disparagement, that I had to encounter difficulties to effect a re-examination; and they appeared then only to comply, for the purpose of confirming former prejudices: and I could, or thought I could, discover evident marks of regret in finding the country better than had been represented by the former delegation. And I could not at last prevail on the Major or any of the party to see that part of the Canadian between its junction with the Arkansas and the mouth of the North Fork, except where we crossed in going up to the Cantonment, about six miles above its junction, and in going out at the mouth of the North Fork. But, with a view of seeing that section of country, I went with my pilot only, and examined it while the party moved slowly up the South Fork, which required my absence from them six days, and found truly to be the most valuable part of the Canadian country.

But on the Red river and its waters, and within the Choctaw limits, there is truly an extensive and desirable country for the comfortable settlement of any people, white or red, and of which I shall speak more minutely in my general report. But its geographical situation is an obstacle against its advantageous division, although amply sufficient for the permanent and comfortable settlement of both tribes, which has strengthened the opinion which I have heretofore entertained, that the best that can be done for the comfortable and advantageous settlement of the Chickasaws, is to effect an union between them and the Choctaws; and I have had that object constantly in view, which I think can be effected, should the Government not be able to obtain for them a separate tract. I am sensible that, in effecting this object, there are difficulties to encounter which will require perseverance and patience to remove; for they are like spoiled children, that have been petted until it is difficult to satisfy them. Yet I find some of the more intelligent, with whom I have ventured to converse on the subject since my return, that agree in the opinion, that the best mode of promoting their happiness, is by an union of the two nations. But I fear the plan will not receive the willing co-operation of Major Colbert. He has been heard to observe, that he would not like to live under Leflore, &c.; and I know his thirst for power is such

as to form an obstacle in his mind adverse to an union. I have almost been forced to the conclusion, that he was not sincere in his professions on the subject of the treaty; for he was heard to observe, on our way out, that he knew that there was no country in the west for his people, and that he was only travelling to humor the President. At all events, he showed great want of purpose, if he did not act childish on many occasions; for when he found that we had not gone out on a frolic, as it was in his other trip, he became unpleasant, and threw obstacles in the way for a considerable time; but, after finding that we would not be diverted from our object, and controlled only by a sense of what we conceived to be our duty, he became agreeable, and continued so until we parted, which was done in great friendship; and he requested me to say to the President, that he had constantly in his mind his image on their parting at Franklin, and that his crossing the Red river was for the purpose of finding a home for his people. How far he may act up to his professions, I shall be better able to judge from his conduct, and shall promptly advise you, as facts and circumstances may make it necessary. I have been careful to conceal from him my suspicions of his firmness.

It became necessary for Col. Gaines to return from Little Rock by New Orleans, for the purpose of adjusting some of our money transactions. I found him an agreeable companion; his knowledge of the Indian character, and his conviction that their removal will better their condition, adds to his usefulness in effecting the objects of the Government.

From Little Rock, both parties continued with me until we crossed the Mississippi at Memphis, where I fitted them out for their respective homes on the 20th of February, when they separated with expressions of kind feelings towards each other. The Choctaws often said to me, that they would like their older brothers, the Chickasaws, should share with them their delightful country. The Choctaw delegation was highly pleased, and was sensible of the advantages that would result from an union of the two tribes, from an increase of strength, wealth, &c.

Captain Wm. D. King, the commissioner on the part of the Chickasaws, suffered much in consequence of ill health; but it gives me great pleasure to acknowledge his services and co-operation in every measure to promote the service.

Should a check be forwarded on the Branch Bank at New Orleans, to pay the annuity and defray the expenses of the agency for the present year, it would give me pleasure, with your consent, to spend a few days, on my way to that place, with Col. Gaines, at his residence, in order that we might compare our notes of the country we have seen, and correct its map. When we separated, our understanding was to meet as early as convenient for that purpose, and also to consult on the best means of making our late tour useful to the Government.

Finding that I could not make my general report as early as I expected, I have made this communication in advance, which will advise you of the course I have taken, and enable you to correct any error I may have fallen into, and to give direction to my future operations.

Notwithstanding the severity of the trip, which was increased by an unusually severe winter, I had the good fortune not to lose a horse out of those that continued with me. I have on hand four public horses, and from their emaciated condition, they are unfit for market, and I have thought it best to

recruit them; as the range is fine, it will enable me to do so without charge to the Government, which I hope will meet your approbation.

I have the honor, &c.,

BENJ. REYNOLDS.

Honorable JOHN H. EATON, *Secretary of War.*

CHEROKEE AGENCY, *March 31, 1831.*

SIR: Enclosed I send you an abstract of disbursements made in this agency, on account of emigration, up to this date, accompanied by one for contingent expenses in the last quarter. On a final settlement with the wagoner for the transportation of public goods from Augusta, there was left, of the sum remitted to pay them, \$25 94, as you will see by reference to the abstracts; which sum I ventured to apply to the payment of wagoners for moving emigrants; which course, I hope, will meet your approbation, as the sum directed to be applied to that purpose was found, on settling their accounts, to fall short of the sums due them; and you will see by the accounts current, that there is on hand, after applying that balance, only \$1 96½ cents belonging to the item, and there is yet due to Joel Dun, a wagoner, \$36; I then will get back \$34 3¼ to close all those accounts, and have to request that you will remit that sum to me, or grant permission to pay it out of some other funds that may be on hand. As to the item for payment of tobacco, boat pilotage, repairs, &c., I fear it will also fall short, but cannot say positively, as all the accounts have not been presented for payment. As for the vouchers, I regret that they are not all as formal as I could wish, especially those of wagoners for moving emigrants; but it is now impracticable to make them more so, as many of them live at a distance, and as I was without public funds when the service was performed, I made to some of them small advances out of my own funds, the balance they sold to merchants in and about Calhoun, but frequently without endorsements or order on them; but as the accounts were settled, and all made out by myself, and are paid, I hope they will be passed to my credit.

A requisition was made, on the contractors, for twenty boats before I received the order to stop the emigration, and for which the bill was, on their delivery, drawn on you, \$1,137 47. One of them has been delivered to John Hanly and Co., emigrants to the Arkansas, and three of them got away in a freshet; two have been reclaimed, the other has not; it is stopped at the mouth of this river, and the man who stopped it asks me ten dollars for stopping it, which I have refused to pay until you are consulted, as I know the charge to be extravagant. Will you be so good as to say what I shall do in the case.

The boats are now in the hands of a careful man, who is to have fifty cents per month for each boat, for taking care of them.

Respectfully, your obedient servant,

H. MONTGOMERY.

Hon. JOHN H. EATON,

Secretary of War, Washington City.

CHOCTAW NATION, *April 1, 1831.*

SIR: I address you as my father, friend, and brother, to inform you that I myself, and all the warriors, women and children, that live within the

limits of my command, have made up their minds, and determined to stay at their homes; and I wish you to write and let me know whether we have to come under the laws of the State wherein we reside, or not. We wish you to do all you can for us, and make us as happy as possible. Any and all the warriors that wish to stay and come under my banners, I shall take them by the hand and protect them, as far as I possibly can. I want you to let me know what quantity of land you will allow for me and my people. I have always had about two hundred warriors at my command; and they have, the most of them, wives and children, more or less. I have nothing more to say, but hope our Great Father above will bless and protect us in our own country, if it pleases our great father, friend, and brother, to let us remain in peace where we are. No more, but I remain your son, and friend, and brother.

HOPIASKITENAH, or LITTLE LEADER, his + mark.

AND FOUR OTHER CHOCTAWS.

To his Excellency ANDREW JACKSON,
President United States of America.

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, April 2, 1831.

SIR: My bill of exchange of this date, drawn upon you in favor of Henry S. Coxe, cashier of the Branch of the United States Bank at this place, or order, for nine thousand dollars, is for money received out of the bank at this place, to pay a part of the expenses of the late treaty at Prairie du Chien.

As I have received no funds under the late appropriation to carry into effect the provisions of that treaty, and as my note in bank becomes due this day, I am compelled to draw upon you for this amount, which I must request may be paid.

With sentiments of respect, &c.,

WM. CLARK.

Hon. JOHN H. EATON,
Secretary of War.

CHOCTAW NATION, *April 4, 1831.*

DEAR SIR: My object in writing to you is to know whether the supplement to the treaty was also confirmed. I have seen, in papers, that the Choctaw treaty was ratified, but have been at a loss to know whether the supplement, that was granting to Choctaw persons reservations, was also confirmed. You will please to be so good as to inform me of all the particulars respecting the treaty. It is the wish of my people that I should move them west, and furnish them with provisions on their way to their new homes. I would be willing to move one thousand, if Government would pay me well for my trouble. I have explored the country west of the Mississippi, and find the distance to be about five hundred miles from one country to the other.

What do you think Government would allow me for each Choctaw, if I would move them to their new homes, and furnish them with plenty of provisions? I believe I can move one thousand from my district as cheap as any body, and I know I could give more satisfaction than any other person, as I am part Choctaw myself, and have been raised among them. The most of the Choctaws will go off very well satisfied, if they have good leaders to conduct them over to their new homes; but if they cannot be allowed the liberty of selecting whom they please for their head-men, the Choctaws will never go west. I believe they will finally go to destruction if they cannot have things as they want them. I will now draw to an end, by hoping to receive an answer from you before long.

Your friend,

GEORGE W. HARKINS.

Hon. JOHN H. EATON,
Secretary of War.

CE-COCHA-LITCH-CHEE COUNCIL GROUND, *April 8, 1831.*

We, the undersigned head chiefs and warriors of the Creek nation, feel ourselves constrained by the circumstances in which we are unfortunately placed, solemnly to address you again. All the talks we have ever received from our father, the President, we have received as evidences of paternal regard. We believe he has only talked to us, as he would have done to his white children placed in a similar situation. With considerable reluctance, we have been compelled to refuse a compliance with his wishes towards removing to the west; our aged fathers and mothers beseech us to remain upon the land that gave us birth, where the bones of their kindred are buried, so that when they die they may mingle their ashes together. They view a removal as the worst evil that can befall them.

The country assigned us west of the Mississippi, we acknowledge has been represented to us, by our friends who have moved to it, to be rich and full of fine game; that they have been prosperous in raising fine crops of corn; but they cannot refrain from writing us the unhealthiness of the country, the many deaths that have taken place among them. Our people view health as the greatest happiness they enjoy.

From all accounts that we have received, it is a grave yard. The country we now occupy is healthy, and plentifully rich for us to make a plenty. Our attention is now entirely to labor; our game is all gone; we make a plenty of corn, and raise fine hogs and beef cattle.

We sent a deputation to visit you this last winter; they were required by us to make our complaints known to you: they have returned; they report to us, they discharged the duty that was incumbent on them; that they communicated both to you and our father, the President, our wishes and situation. A part of the business was to have been communicated to Congress, particularly our claims against the United States, for lost property and moneys coming under the Mineral Spring treaty of 1821. They state, the shortness of the session and their late arrival to the city, prevented their effecting any thing; therefore it lies unsettled.

Three inquiries to you made when there, they state you was to answer when more at leisure than you were at the time they were made.

We cannot avoid repeating to you the necessity of keeping the white people out of our country. We say now what our deputation did, when at the city, to you, in one of their communications, every thing bad is to be expected from our present situation. We have bad red people that we cannot control, you have the same characters among your white children; controversies will arise and blood will be the end. We all do every thing we can to prevent such conduct, but it will be of no effect. It never will answer for the white and red men to live together, they cannot agree; murders already have taken place, both by the reds and whites. We have caused the red men to be brought to justice, the whites go unpunished. We are weak, and our words and oaths go for naught; justice we don't expect, nor can we get. We may expect murders to be more frequent, should the whites be permitted to move amongst us. They bring spirits among us for the purpose of practising frauds; they daily rob us of our property; they bring white officers among us, and take our property from us for debts that never were contracted. We are made subject to the laws we have no means of comprehending; we never know when we are doing right. There are many other evils attending the whites settling our country, that is here too tedious to mention. But before we conclude, we particularize one case of a Major Dixon coming into our country, and spoiling our timber and raising a mill, all without our consent. This is only one of the many such trespasses that is in our nation by the whites. We pray that our father, the President, will take our situation into consideration, and protect us from such intruders. We shall not offend; we shall only act in defence. We shall endeavor to keep our people within our own limits, that they shall not intrude upon our father's white children's land; and when depredations are committed by us we shall punish such conduct, although we look for no favors when we are abused. All of which we submit for the consideration of you and our father, the President.

Your unfortunate red brothers,

NEHAH MICCO, his x mark, *Principal Chief.*

LITTLE DOCTOR, his x mark, *of Upper Towns.*

YOHOL MICCO, his x mark, *of Ufaula.*

SA-LAH-TAH NOCH, his x mark.

TUCKE-BACHE MICCO, his x mark.

OAK-FUS-KEE YO-HOLO, his x mark.

JAMES BOY, his x mark, *of Tuckebatchee.*

CUSA-TA MICCO, his x mark.

TUS-KE-NE-HAW, his x mark, *of Coweta.*

JAMES ISLANDS, his x mark.

SEO-CO-BE, or BROKEN ARROW, his x mark.

To the Hon. SECRETARY OF WAR.

FORT BALL, OHIO, *April 15, 1831.*

DEAR SIR: The Seneca chiefs, who lately concluded a treaty at Washington, intend calling their tribe together some time next month, for the purpose of having the treaty explained to them, and with a view also of beginning their arrangements for going west of the Mississippi.

They informed their "great father," previous to their leaving Washing-

ton, of their intention to call such a meeting, or as they term it, of having a thanksgiving to the "Great Spirit," for enabling them to accomplish their business with the Government, entirely to their satisfaction.

The chiefs of all the tribes in Ohio, and of the Senecas in the State of New York, will be invited to hear the provisions of their treaty. These visitors and such other principal persons of other tribes as may think proper to attend, together with their own tribe, will require some provisions in addition to what they will themselves be able to furnish. I am requested, therefore, by the chiefs, to solicit from you an order for meat, flour, and tobacco, to the amount of fifty or sixty dollars.

Those of the Senecas and other tribes in this part of the country, who have had explanations of the treaty, are entirely satisfied with it.

I have been solicited by the chiefs to apply for the agency to dispose of their personal property, an appointment to be made by the President. I would respectfully offer this as an application, provided it *does not conflict* with that of any other *friend* of the administration. In that event I am not an applicant.

Accept, sir, my best wishes for your health.

Respectfully, &c.,

HENRY C. BRISH,
Sub-Agent.

Honorable JOHN H. EATON,
Secretary of War.

RANKIN, YAZOO COUNTY, MISSISSIPPI, *April 15, 1831.*

DEAR GENERAL: Your friends, and the friends of the Choctaws in this country, are highly gratified to see you have succeeded in getting the late treaty, made with the Choctaws, ratified. Your great friend, and true friend of the Choctaws, (Col. Leflore,) is now ready and anxiously waiting to see measures adopted to remove his people. He is very much concerned about them, and particularly those of the other districts, as he has it from good authority, that there has been about one hundred barrels of whiskey purchased in Columbus, since the 1st of December, and brought in the nation. This is at one point alone, on the Tombigbee. In many parts of the nation they are living upon roots and drinking whiskey; and, without a speedy removal, many of them will be lost. The laws of Mississippi prevent the headmen in the nation from an interference, and the Indians are at full liberty to do as they please. Through Col. Leflore alone you can get emigration put in a proper train. I do assure you they have no other man that can do it. Many others in the nation think they are great men, and can do something; but you may rest assured Leflore is the only man belonging to the nation that can command them, and if he can be authorized to start them you will have no trouble. He is as firm as the rock of Gibraltar. You well know that every thing I have stated to you about this great man has proven to be the truth. He will be stronger in the nation, in a short time, than he ever has been. He will no doubt take the office of fourth chief. The Great Spirit made him to save his countrymen, and through him alone it can be done.

I have the honor, &c.,

D. W. HALEY.

THE PRESIDENT OF THE UNITED STATES.

CREEK AGENCY, *April 16, 1831.*

SIR: I have received a letter from Mr. Hamilton, stating that the Creek fund for education was exhausted, and that two bills for \$700 each, for the expenses of the Creek boys at the Choctaw Academy, had been paid by the department under the expectation that the chiefs would agree to refund the same from their annuity, and expressing a confident belief that there would be no doubt of their assenting to it if the matter was *properly* explained to them, and directs me to ascertain whether they will repay the amount from their annuities. In reply, I have the honor to state that I have *properly* explained the whole matter to two of the head chiefs, and they have requested me to say to you that the nation will not agree to refund the \$1,400, observing that it was understood that the boys were to be sent home when the fund, set apart for education, should become exhausted; but being informed by Col. Johnson that the funds would become exhausted at an unpleasant season of the year for the boys to travel, they did agree to pay from their annuity one other quarter's expenses of \$700; and the delegation, while at Washington, agreed to pay the further sum of \$800 for the outfit and expenses of the boys home, which arrangement the chiefs have approved. At the annuity meeting I will again bring the subject fully before the council, and if the chiefs can be prevailed on to pay it I will retain the amount and remit it to you.

I have, &c.,

JOHN CROWELL.

Honorable JOHN H. EATON,
War Department.

WASHINGTON, *April 19, 1831.*

SIR: It would be exceedingly inconvenient and expensive for the several agents and sub-agents upon the lake frontier to leave the seats of their agencies and proceed to New York for the specie requisite to pay the Indian annuities. I beg leave therefore to suggest the propriety of the drafts, for the annuities, and their distribution, being transmitted to me, as heretofore, with the exception of the agents in Ohio and Indiana, who are so situated that they can procure specie upon their drafts in Cincinnati, if not nearer.

Very respectfully, &c.,

LEWIS CASS.

Honorable JOHN H. EATON,
Secretary of War.

CREEK AGENCY, *April 20, 1831.*

SIR: In compliance with your instructions, I have deposited in the United States Bank, at Mobile, to the credit of the Treasurer of the United States, fourteen thousand dollars, being the unexpended balance of the twenty thousand dollars placed in my hands, applicable to Creek emigration; and I herewith enclose the receipt of the cashier of that bank for that sum.

So soon as I can effect a settlement with Captain Walker and others em-

ployed in the business of emigration, who were charged with the disbursements of a part of the funds, I will forward my accounts for settlement.

I have the honor to be,

Your obedient servant,

JOHN CROWELL,

Agent for Indian Affairs.

The Honorable JOHN H. EATON,

Washington City.

EXECUTIVE DEPARTMENT, GEORGIA,

Milledegville, April 20, 1831.

SIR: By a law of this state, all white persons, except agents of the United States, are prohibited from residing in its territory occupied by the Cherokees, unless authorized by the Governor or his agent, upon taking the oath to support the constitution and laws of the state. This law resulted from the active influence which that class of persons had exercised, in opposition to the humane policy of the General Government, and the rights of Georgia. Fugitives from justice, outcasts from society, and trespassers upon the gold mines, have an interest, very readily understood, in preventing both the removal of the Cherokees, beyond the Mississippi, and the operation of the laws upon them. The missionaries of different religious societies, stationed among the Indians, had found their situations too lucrative to yield them up willingly. Individuals had also been found among them, acting the part of political incendiaries; misdirecting the Indians, in mistating facts, and perverting public opinion, so as to embarrass the present administration of the General Government. Among the persons who have been arrested for violating this law, is a man by the name of John Thompson, reported to be a clergyman, and a missionary from some religious society in the New England States. He was, upon his arrest, carried before one of the judges of the Superior Court, by writ of *habeas corpus*, and discharged upon the ground that he was a missionary, and that missionaries were agents of the United States; and, consequently, not subject to the penalty of the law, prohibiting the residence of white persons among the Indians. It is not necessary to say any thing about the correctness of this decision. It is due to the United States and Georgia, that its effects should be obviated. Mr. Thompson is reported to have been very active in exciting the Indians to their attempts to sustain an independent government, and no doubt will feel secure in continuing his mischievous exertions, unless the laws of the State can have their operation upon his conduct. For this purpose, I must request from you an official assurance that the Rev. John Thompson, now residing among the Cherokees in Georgia, is not an agent of the United States, and that no religious missionaries, as such, are agents of the Government. It is very desirable that your answer should be received as soon as possible.

Very respectfully, yours, &c.,

GEORGE R. GILMER.

HON. JOHN H. EATON.

CHOCTAW NATION, *Southeast District*, April 23, 1831.

FRIEND AND BROTHER: We, the undersigned, tender you our grateful acknowledgments for your favor to our chief; or, in other words, to him who has been considered as such by the United States Government. It appears, from that communication, that chief Netuchache, Hehe-hopia, Onahobi, Hopia-chubbe, Hopia-homa, and Pierre Juzan, informed you, sir, in a letter, that the lives of two of their number had been threatened, and that they were in danger. We wish every thing to be clearly understood by you and our father, the President; and this is our apology for writing. We beg leave to state, that Netuchache was never elected chief by a majority of the captains and warriors of this district, but by only a few individuals of this district, in company with some from the other districts. Some time after this, as no chief was regularly appointed, in time of difficulty, at the factory, he was acknowledged as chief by the chiefs of the other districts. As to the charge, that lives had been threatened, &c., we had a general council of the new chief, captains, and warriors of this district, a few days ago. Netuchache, and the above-named individuals, were present. They were called upon to substantiate these charges by evidence. All that they could say was, that some how, in what way they could not tell, such a report was circulated. We sincerely regret, that any of our brother countrymen should trouble the War Department with a report which happened to be circulated by the idle and vicious, without the least foundation or shadow of truth. One cause of *disaffection* in this district, has been the manner in which the annuity has heretofore been divided. The *Kusha* and *Chickas-hopie* towns are equal in population, and the six towns are more than equal to both. The manner has been to give to *Kusha* and six towns equal in value, and to Chickas-hopie only half the value allowed to one of the other towns. In our late council, we proposed to Netuchache and our Kusha brothers to take the census of each of the towns, and have the annuity divided according to numbers; this they would not do, although we think, and we doubt not your honor would think, fair between man and man. We think the *Kushas* have exhibited too much selfishness in the report for claims under the 19th article of the United States treaty. Most of them are confined to their own party, while we think others have equally as good a claim. We have no doubt that you and your associate, acting as commissioners, intended, and do still intend, that justice shall be done. You, sir, in your letter to Colonel Ward, bearing date November 24, 1830, had the goodness to inform us, that "that factious sort of spirit, which induces the breaking of a chief, by the vote of a few discontented persons, while the great body of the people are not consulted, is *anti-republican*." This we acknowledge. But we beg leave to say, that Netuchache was never elected by a general council. We beg leave also to ask, which is most derogatory to true and genuine republican principles, to support one who has been elected by the voice of the people, or one who has not? You, sir, had the goodness to say, also, "that there is no intention to interfere with them in any such arrangement. It is desirable that they regulate their home internal affairs as they please, provided they act peaceably." These are our views exactly on this subject. We, therefore, request that all these things may be fully investigated; that the agent may be directed to see that the annuity may be impartially divided, and that all have an equal share in the allowances in the late treaty. We are far from wishing to encourage a

faction disposition in ourselves or others, or to act on any other than pure republican principles, in the transaction of all our political affairs; and we have endeavoured to be governed by these principles in all our doings of a public nature. If we have deviated in any instance, we wish you, sir, to ascribe it to the want of correct information, rather than to want of disposition. We wish to live in peace with our brothers, but we do not wish to relinquish any republican principle or justice.

Again, you had the goodness also to inform us, "say to them, that while they act peaceably, and behave well, their great father and I will be their friends, but otherwise cannot." This we hold as your sacred pledge.

Very respectfully, your friends and brothers,

JOEL H. NAIL,

AND TWENTY-EIGHT CHOCTAW CAPTAINS.

Hon. JOHN H. EATON,

Secretary of War.

JACKSON, MISSISSIPPI, *Monday, April 25, 1831.*

DEAR SIR: As some doubts are entertained among many of the citizens of this State, respecting the late treaty negotiated with the Choctaws at Dancing Rabbit creek, I take the liberty to address you on that subject, for information. I have learned, that the treaty was ratified by the President and Senate of the United States; but as it has not yet officially appeared in any of the public papers, doubts have arisen respecting its ratification; or if so, whether the whole, as we considered it, was confirmed by the Senate. You know, for method sake, the treaty was divided into two parts, the original and supplemental; therefore, some have supposed it possible for one part to be ratified, and the other rejected. As for myself, I know it was my understanding, as well as all the Choctaws, at the signing of the treaty, that both parts were considered as constituting the whole Choctaw treaty; and as such, I cannot conceive how it is possible that one part can be confirmed without the whole. For the information and satisfaction, therefore, of many in this section of country, I respectfully request, that you will inform me, whether both parts, original and *supplemental*, have been ratified; and whether any alterations were made in either, by the President or Senate. An early answer, directed to this place, will much oblige

Your most obedient servant,

ROBERT M. JONES.

To the Hon. JOHN H. EATON.

April, 1831.

SIR: It was July 19th that I actually entered upon the discharge of the trust, which you had been pleased to confide to me on the 3d of June. On the 26th July, I sent Dr. Rice McCoy, assistant surveyor, to Cantonment Leavenworth, to make the necessary arrangements with the commanding officer, for the men to be obtained from that place, and for the transportation of the needful supplies. He thence proceeded to the Delaware Agency to obtain their agent, one of their own tribe, and appointed by themselves to attend the surveying of their lands. On the 21st of August,

our company reached the Shawnee and Delaware Agency; waiting there for the Delaware chief who was to accompany us, made it the 26th before we could proceed. In passing through the Shawnee settlements, I found about thirty chiefs and principal men of the Kansas, about entering upon a council with the Shawnees. Both parties invited me to attend their *talk*, which occurred on the 27th, and resulted in a renewal of mutual pledges of friendship.

As it was important that the Kansas should know what we were about to do, and by what authority we acted, I improved this favorable opportunity of communicating to them that information.

We arrived at Cantonment Leavenworth, August 28th, and proceeded the moment that the detachment of soldiers, nine in number, was reported to us, which was September 1st.

Major Dougherty, the United States' Indian agent for upper Missouri, having not yet received any instructions relative to our expedition, nevertheless, sent express upon two of our horses to the republican Pawnees, one hundred of whom afterwards met us at Cantonment Leavenworth, on September 24. They stated no objection to the prosecution of our work. This occasion was also improved by a *talk*, and expressions mutually of friendship between Capt. John Quick, the Delaware chief, and special agent, and the Pawnees.

Deeming it necessary, more fully to impress the Kansas with the nature of the expedition, and to require their friendly conduct, both towards the surveying party, and at all times towards the Delawares, who were about to settle near them, and to assure them that their claims were not about being disturbed, Major Dougherty, in the necessary absence of the sub-agent for the Kansas, accompanied us to their village, where we had a meeting of them on the 2d and 3d September. On the same day that we closed our interview with them, we proceeded on our journey.

September 6. We arrived at the Kansas land, and commenced our surveying where their eastern line crosses Kansas river. September 16. One of the soldiers and the Delaware interpreter lost themselves, and after travelling separately three or four days reached the garrison, where we found them on the 23d.

At the garrison we refitted, the number of soldiers being increased to 15, who, together with a Kansas interpreter, who joined us 26 miles west, and an interpreter for Pawnees, Ottoes, and others who joined us 92 miles west, made our whole company 23.

After completing our survey of the lands designed for the residence of the Delawares, we extended our survey of the Delaware outlet (so called) to a point two hundred and ten miles west of the State of Missouri. The termination of the line was on Solomon river, about one hundred and forty miles west of the western village, at present occupied by the *Kansas** on the south, and about forty miles west of the republican Pawnee villages on the north. The latter is the most westwardly Indian settlement towards the Rocky Mountains, from Red river six hundred miles north. We stopped about forty miles within the region abounding with buffaloes, elks, antelopes, &c. We saw many, and killed what we needed for use.

An uncommon drought had prevailed throughout that whole region; the

*Some of the more remote villages of the Kansas have been abandoned since I visited them in 1828.

effects of which became more severe, as we proceeded westwardly. On the 14th October, fire from the northwest passed us, and swept away the grass on both prairies and woodlands, to the very margin of the water courses, with the exception of rare, small tracts in the lee of streams of water, which had checked the progress of the fire. These unburnt tracts, continued daily to take fire from burning trees, or by a change of wind, until scarcely a particle of grass, either green or dry, could be found for our horses. From this time our horses failed so rapidly, that we were obliged to make extraordinary efforts to accomplish our work before their starvation should deprive us of their use. After we turned back, it was twenty days before we could reach the State of Missouri. One of our horses became unable to travel, and was left, before we reached the Kansas villages. Excepting this one, and one lost by his breaking a leg in descending a steep bank in the night, the horses were brought back to Fayette, the 2d December, and together with other property sold on the 15th.

Capt. John Quick, the agent chosen by them to attend the surveying of their lands, is an aged and respectable man, and second chief of the tribe.

The Delawares, anxious to move into their new country before the commencement of cold weather, and needing his assistance in removing, had instructed him not to remain with our party until the work was completed, but to return to them, so soon as he had followed around their lands designed for *settlement*.

In consequence of this, I was *unable* to keep him with me, until the completion of the survey. His certificate, witnessed by the commanding officer, and sundry others, at Cantonment Leavenworth, and by the Delaware and Shawnee interpreters, and the accompanying certificate of Major Campbell, the sub, though on this occasion acting agent for the Delawares, will, I doubt not, be entirely satisfactory.

It is worthy of notice that in going from the Shawnee Agency, to Cantonment Leavenworth, we necessarily crossed over the eastern end of the entire tract assigned to the Delawares. In passing thence to the Kansas Agency, we necessarily re-crossed their lands diagonally. When we reached the place of our beginning, on the Kansas line, we had travelled over their country the whole distance from east to west, and in doing this we had varied our course so as twice to cross their lands from north to south. Capt. Quick was then conducted along their eastern line to its northern extremity, and shown the commencement of each line of their outlet. Thence he proceeded along their northern boundary, to Cantonment Leavenworth. By these means, and by his occasional hunting excursions, he obtained an extensive view of their country, and a thorough knowledge of its locality and character.

The character of the country of the Delawares is much the same as that of the country south of Kansas river. It may be denominated elevated and rolling, though not hilly; free from swamps, and the soil exceedingly fertile, with scarcely an exception of any spot. The uplands are generally, though not universally, smooth prairie, destitute of wood. All the water courses, from the largest down to the smallest ravines, are wooded. The quantity of wood in the vicinity of the Missouri and Kansas rivers is considerable. The quantity diminishes as we go westwardly, and the quality also of the timber becomes less valuable.

The quantity of land designed for the residence of the Delawares equals about 38 miles square; 1,444 square miles, or 924,160 acres. This contains wood sufficient to admit a considerable population over the whole of it.

This tract is also well supplied with perennial springs of water, and with streams suitable for mills, and other water works. Limestone and sand-stone, generally the former, are alternately deposited over the whole country, much as we find them further south, "for the convenience and not the annoyance of the agriculturist."

We found a valuable bed of coal in the vicinity of Cantonment Leavenworth, and another further up Missouri. We discovered iron ore in several places. About 138 miles west of the State of Missouri, we entered a region of ferruginous or iron looking sand-stone, which continued westward about 25 miles. These rocks sometimes form cliffs on hill sides; oftener they appear in isolated heaps, as if they had been carried thither by the hands of man, or had risen out of the earth. The rocks are shelly, exhibiting an appearance similar to volcanic effects. Some would seem to have been fused, when broken, resembling cast iron.

We crossed the Republican river one hundred and forty-eight miles west of the State of Missouri. There, and further west, glauber salts are deposited in the sand beaches, and on banks of water-courses, perceptible to the naked eye and to the taste, the quantity increasing as we go westwardly.

West of Republican river are many running streams of salt water. The sand beaches of Solomon river, and many smaller streams, are whitened with a chrySTALLIZATION of common salt. ChrySTALLIZED salt is also found on the surface of the earth at places frequented by animals which relish it.

About two hundred miles west of the State of Missouri, and on the lands of the Delawares, is a salt spring which is a great natural curiosity. About one hundred yards from the northeast bank of Solomon river, appears a mound of stone, formed in an extensive level prairie by a deep ravine which surrounds it, in the centre of which, and rising to its summit level, is a well of salt water.

The circumference of the base of the mound is three hundred and seventy yards. The top is perfectly level, and forty yards in diameter. Its perpendicular height above the vale which surrounds it is thirty feet. The width of the vale which surrounds it is, on the south and east, forty yards; on the north and west, it is not more than ten yards wide. The mound rises about one foot and a half higher than the adjacent level prairie. The mound is composed of a secondary shelly, and porous limestone. No stone of any kind is seen in its vicinity. A striking contrast is exhibited between the sides of the mound, being entirely stone, and which form the inner side of the surrounding vale, and the bank of the surrounding prairie, which is earth, and which forms the outer side of the vale. The water forms a pond or well in the centre of the mound, fifty-five yards in circumference, and deeper than the length of any pole which we could procure to insert in it. The water rises to a perfect level with the top of the mound, so that a wind, though slightly troubling it, forces the water over either brink. On the south side, and something less than half way from the base to the top, issues salt water, which runs off in a small stream to Solomon river. Along this rivulet salt is chrySTALLIZED to the thickness of the eighth of an inch. Also, on the sides of the mound, the rocks in most places are covered with salt. We did not test the quality of the water. Its saltness may be inferred from the chrySTALLIZED salt about it.

By the Kansas, this spring is called Nee-woh-kon-da-ga; that is, spirit-water. This furnishes such a striking instance of coincidence of thought between the savage tribes remote from each other, that I must ask leave to notice

it. Pottawatamies of the north would call such a singular spring of water, Ne-bresh-minato; that is, spirit-water; and all others of our northern tribes would, in like manner, term it *spirit-water*. Kansas, Pawnees, and others, who visit this spring, throw into it, as a kind of conjuring charm, some small article of value. By this means, and by the insertion of poles, &c., from curiosity, a considerable quantity of decayed substances has accumulated in the well. Pottawatamies and others, to the north, would do the same.

The structure of the mound is to be accounted for, by supposing that in the prairie, where originally was no stone, the vein of water, rising from beneath, possessed qualities which commenced and carried forward the process of the stone formation of which the mound is composed. Animals frequenting the fountain on account of its salt, naturally formed a sunken place in the softer earth which surrounded the rocks. By this means, and by rains, the surrounding vale has been deepened to its present state; at the same time, the process of rock formation still going forward, the mound grew larger in circumference; and the distant source of the stream that here issues, happening to be above the common level of the surrounding lands, brought the water to the summit of the mound. The water being occasionally driven by the wind, sometimes over this, and sometimes over that, side, the rock formation, as before stated, has risen a foot and a half higher than the surrounding lands. Still the phenomenon is not fully explained; for, why should the water continue a perfect level with the rock edges of the basin, without running over, when these edges are constantly growing higher?

With the Kansas, this spring gives name to the Solomon river, which they term Nee-pa-holla; that is, *water on the top of a hill*. It has been understood to constitute the principal source of Solomon river. This is not the fact. Solomon is there about eighty yards wide, with a bold current.

Ancient tumuli, so common in the western country, were not perceived by us very far west of the State of Missouri. A little over a mile back of Cantonment Leavenworth, our notice was particularly attracted to the imposing situation of eight mounds, or accumulations of stones and earth, on a hill which commanded an extensive and interesting view of the surrounding country.

The mounds are from five yards to six yards in diameter at the base. Six of them are partly in a direct line, and at equal distances along the top of the ridge, about seventeen yards apart from centre to centre. On each side of the third mound, from the northeast end of the line, is another at about the same distance.

Unbroken stones have been placed circularly, as though a building had been commenced. The space within is filled with earth. We excavated one; and found, at the depth of between two and three feet, charcoal, burnt earth, burnt stones, and human bones, that had been scorched with fire. The bones were so much decayed that it could scarcely be perceived to what part of the human body they belonged. We discovered two skulls; one of which had been that of an infant.

In that country we frequently discover heaps of stone and of earth, which have been formed in covering the dead. The mounds of which I am speaking were not mere burning places, because the bodies had been burned. The burning had not been intended to reduce the bones to ashes, because this had not been done. I suppose that they had been "high places," at which religious worship had been performed agreeably to

ancient heathenish custom. Human sacrifices had been offered on them, or rather in them, for they had been a kind of kiln or furnace, the wall of which was stone. I should think that the victim had been placed within, upon a wooden scaffold, or among a pile of combustible matter. The corpse, when partly consumed, had lastly been covered with earth, or with grass, weeds, and earth, together.

About one hundred and forty miles west of the State of Missouri, the country begins to assume a more level face. About this place, also, commences the growth of a short, soft grass, on the prairies, which prevails westwardly, none of which is found in Missouri, Illinois, or Indiana. I presume that this circumstance has led some travellers into the mistaken supposition that they were passing over poor land. The soil, as far west as we extended our survey, is almost invariably rich. The uplands are somewhat inferior to that nearer the State of Missouri. The bottom lands of Solomon river, which are two or three miles wide, mostly prairie, and the bottom lands of other smaller streams, are of first rate quality.

The quantity of stone also diminishes as we proceed westwardly. Sixty or seventy miles of the western portion of our journey, we occasionally passed over a region of some six or ten miles of sand-stone, of lime-stone, and of no stone of any kind.

Kansa river* parts off in three principal streams. Blue river,† the mouth of which is about ninety-five miles west of the State of Missouri, is there one hundred and twenty yards wide. Where our line crossed it, about thirty miles north, it was one hundred and ten yards wide. Its waters are transparent, having passed through an elevated lime-stone country.

Republican river, or more properly, and as the usual Kansa name signifies, Pawnee river, is a northern branch coming in from near the mountains, little larger than Blue river. It runs over a bed of sand, and its waters are muddy like those of Missouri.

Smoky-hill river is about equal in size to Republican, with which it unites about twenty miles above the mouth of Blue river. The Indians say that its sources are nearer the mountains than those of Republican. From observation, as far as I have been, I should judge differently. Republican receives no large tributaries for a long distance from its mouth, while Smoky-hill receives Deep creek, about thirty yards wide; Solomon river, ninety yards wide, and Saline river, about sixty yards wide; all within the distance, on a direct line, of sixty miles from its junction with the Republican. Smoky-hill is also a muddy river, running over a bed of sand; its waters, even at its mouth, are so impregnated with salt as to be disagreeable for common use. Farther west than about one hundred and forty miles from the State of Missouri, the proportion of wood on these larger water-courses becomes less than on smaller. This is accounted for by the sandiness of their shores, which admits the effects of the annual fires to become more destructive to the growth of timber than on a different soil.

I beg leave, sir, to state distinctly, that I am confirmed in an opinion often expressed, that the country under consideration may safely be considered favorable for settlement: the distance, on an average of two hundred

* The pronunciation, by the natives, is Kanza.

† Termed by some Blue-earth river. It is remarkable for its hill-sides along its waters, being whitened by argillaceous lime-stone, which, at a distance, gives them the appearance of banks of white earth. I did not see any blue earth on its waters.

miles from the State of Missouri and Territory of Arkansas, water, wood, soil, and stone, are such as to warrant this conclusion.

By reference to the accompanying maps, it will be perceived that the line from Cantonment Leavenworth to a point ten miles north of Kansa lands, bears *north* of west, instead of *south*, as had been anticipated; and that, for about twenty miles west of the garrison, it leaves the Missouri river by an angle of less than forty degrees; consequently, if an assignment of lands to the Kickapoos, which has been spoken of, should be made, it would embrace this gore of land along the Missouri. And if it should be desirable to assign them an outlet by a western line north of that of the Delawares, such western line must leave Missouri river eighteen miles above the garrison, to be even as far north as the northern limits of the Delaware lands.

Connected with this subject is another difficulty, which, in like manner, has occurred from a want of correct knowledge of the geography of the country, and by which I felt myself not a little embarrassed on the late expedition.

By a treaty with the Kansas in 1825, the northern limits of the lands acquired was, Grand Nemaha river from its mouth "to its source; thence to the source of Kansa river, leaving the old village of the Pawnee Republic to the west."

I am of opinion that, from the source of the Great Nemaha to the source of the Kansa, the course is little, if any, south of west. It would have been more proper, therefore, to have said that the old Pawnee village should be left to the *north* than to the *west*. In running the northern line of the Delaware outlet, we barely escaped coming in contact with the limits above mentioned, by passing some six or eight miles south of the above mentioned "old Pawnee village." But should the line, according to the late treaty, incline southwardly somewhat, as has been heretofore supposed, then the termination of our late survey must have been within the Pawnee lands; and, if another outlet should be set off north of our late survey, it would run still further on to the Pawnee lands.

In the treaty with the Delawares of September 24, 1829, no provision was made for a military reserve at Cantonment Leavenworth. It has been thought desirable that a tract of six miles on the Missouri river, and four miles back, should be secured for this object. Accordingly, the survey about the garrison has been made with a view so such a reservation, as will be seen by a reference to the plat. In this arrangement, the Delaware chief, to whom the whole was fully explained on the ground, has cordially acquiesced.

The north and south lines between the Kansa and Delaware lands, is sixty miles, on a direct line, west of the State of Missouri. From this line down Kansa river, eastwardly, on the north bank, are twenty-three reservations, of a mile each, for individuals; which, consequently, form a slip of land along Kansa river one mile wide and twenty-three miles long, and which extends from the Kansa reservation thus far into the Delaware country.

Immediately below the eastern end of this slip of land, that is, say twenty-three miles east of the Kansa lands, and within the lands assigned the Delawares, is situated the *Kansa Agency*. Here comfortable hewed log buildings have been erected by the United States for the sub-agent, the blacksmith, the interpreter, and for the agriculturist for the Kansas. About two miles back from the river, and also on the lands of the Dela-

wares, is a large stone building erected by the United States for White Plume, a Kansa chief, who occupies it. Plume has a few, perhaps half a dozen, families with and about him. They of course wish to remain where they are. No serious difficulty, however, need be apprehended in relation to the adjustment of these clashing claims, as each tribe has more land than its wants require, and the Kansas, I am persuaded, would cheerfully consent to retire within their proper limits, if remunerated for their improvements.

The circumstance of the buildings necessary for the accommodation of the Kansa Agency being on Delaware land, more than twenty miles from the Kansa country, and about thirty miles from the nearest Kansa village, may be subject of more serious import than the foregoing. Here, also, at this distance from them, are their smith and the man who is appointed "to aid and instruct them in agriculture," both of whom are provided for by the treaty of 1825.

The entire number of souls in the Kansa tribe is estimated at fifteen hundred: judging from the number of their houses, I should suppose this estimate too high. With the exception of Plume's little company, near the agency, they may be said to live in two villages, the more considerable of which is a few miles west of the eastern limit of their lands, and near the river on the north side. The other, some eight or ten miles further west. The houses which they erect with their own hands are either constructed of bark, after the ordinary fashion, though commonly longer and larger, or of earth. The latter are circular, twenty or thirty feet in diameter at the base, studded with wooden pillars within, surrounded by sloping timbers, terminating in a point at the top, with the exception of a small aperture in the centre through which the smoke of their fire, immediately below, escapes, and through which light is admitted. The whole is covered with earth, about two feet in thickness.

They have made scarcely any advances towards civilization. They are poor and degraded, but peaceable, and easily managed. Most of the cattle that have been furnished them they have killed and eaten. Should they be annually assisted in the same way, they would, no doubt, depend on those supplies, and become more and more indolent and improvident.

In view of all these circumstances, I would beg leave to suggest, most respectfully, the expediency of applying a portion of the assistance due to them by treaty stipulation, or by the claims of their condition on the magnanimity of our Government, in fencing and ploughing one or two common fields for them. I have no hesitation in saying that five hundred dollars, judiciously applied for their use in this way, would be more beneficial to them than ten thousand dollars given them in cash, merchandize, or live stock. Aside from their remarkable improvidence, the difficulty of keeping live stock without enclosures to secure their small crops of vegetables, is an additional cause of their butchering all their cattle and hogs with which they may be furnished.

I would also respectfully suggest that, in view of the condition of the Kansas, and of the subsequent location of Indians in this western country, it might be expedient to locate the Kansas at and above the junction of the Smoky Hill and Republican rivers.

In returning, we bore somewhat to the south, and came down through the Kansa lands. There is a valuable tract of country about the junction of the rivers mentioned above, and I risk nothing in saying that so much

of the tract which they now hold, (that is thirty miles wide, and west without limit,) as lies west of this place, would be more than sufficient for them even in view of their subsequent improvement and increase. If something could be applied to their use in preparing fields for them, I am confident that they would all be induced, cheerfully, to settle in this place without any additional cost to Government.

I beg indulgence further to suggest the inquiry whether it would not be advisable to assign to the several small bands that amount of country only which, from their numbers, and in anticipation of their future prosperity and increase, would be really necessary. To me, I would say respectfully, it appears, that if one-fourth part only of the Delaware country had been assigned to them, it would have been better both for them and for the United States.

I cannot, perhaps, better communicate my opinion of the character of their country, embracing the items of wood, water, and soil, than by making this statement. I need not advert to difficulties which will attend a necessity for re-purchasing land from the earlier emigrants for the accommodation of those who shall come after.

The Pawnees have never been asked to cede lands to the United States. If it be desirable to our Government to quiet all claims of the present occupants of the vast tract of country north of the Great Nemaha, as far as Running Water river, excepting what would be really necessary for them for the purpose of locating emigrant tribes, the sooner such purchase is made will be the better: obstacles to the extinguishment of those claims will continually increase: at present none of magnitude exist.

I respectfully ask leave further to solicit attention to the circumstance of giving to the several tribes an outlet. However it may, at first blush, appear to our imaginations when at a distance, I am persuaded that few could believe in their utility who would follow the lines of one of them through a vast uninhabited region. Permission to go back to the common hunting lands towards the mountains, will be desirable to all the tribes. But they could not possibly conceive any advantage which they could derive from the marking of a road for them, say ten or twenty miles wide. Not the slightest regard would ever be paid by them to such land marks in their passing to and from their hunting lands. It is not a narrow strip of land along side of Arkansas Territory and the State of Missouri that we have under consideration, where tribes may be located as on so many town lots fronting eastward and running back. The case will doubtless require that in some places two or three tribes be located on the same line of latitude. Nor can I conceive any reason why they should not. Obviously, those who will be nearest the line of Missouri and Arkansas will be in a less desirable situation than others located west of them. From the time that my express carried information to the Delawares that I was about to survey their land, they manifested a strong inclination to get on to it, and immediately commenced preparations for removal. It was very desirable to the Government agents to gratify them, but serious obstacles presented themselves from want of an appropriation to carry into effect the articles of the treaty of September 24th, 1829, which provides for their removal at the cost of the United States. In this unhappy delay, the Delawares unhesitatingly commenced their emigration upon their own limited resources. Colonel Wm. Anderson, their principal chief, with nearly one hundred souls, were in their new country when I called to see them on my way from the west.

The residue of the tribe were on the road thither, with the exception of a few who has gone on hunting excursions, and who will arrive next spring.

Those who have reached their new country are very well pleased. Anderson assured me that "he felt peculiar gratification that now, in his old age, he had the pleasure, before his death, of seeing his people settled in *their own country*, where they *were to remain*—a country with which they were all well pleased."

The fact that the anxiety of these poor people to get into their new country would not allow time for Government to furnish them with that assistance which had been secured to them by treaty, and that they have gone thither upon their own resources, in doing which, they have encountered much more inconvenience than would have occurred with the assistance they had expected, *form the best comment on the suitableness of that country for the permanent residence of the Indians.*

By treaty, those people were not only to be assisted in removal, but were to be provisioned, for a time, after arriving at their new country. Removing at their own cost, they were in great want of food on their arrival. In a case of this peculiar character, humanity, as might have been expected from those gentlemen, induced their agent, Major Cummins, and their sub-agent, Major Campbell, to make advances, upon their individual responsibilities, to relieve their wants in part. I beg leave to say, that I am apprized that, as the thing was obviously right in itself, these advances have been made in confident reliance, on the generosity of our Government, that it would make to those gentlemen ample restitution.

By the voluntary removal of those people, there will be a great *saving* to the Government, even after the remuneration is made alluded to above, and after such remuneration is made to the Delawares as shall amount to a fulfilment of the articles of the treaty.

I would respectfully recommend that the Delawares be advised to settle some twenty or thirty miles from the line of Missouri: they would there be more secure from the evils which too often destroy the Indians, when near to white settlements. Their country is good everywhere. Their whole tribe, less than two thousand souls, will cover a very inconsiderable portion of it, and in supplying them with mills, &c., according to treaty stipulation, they can as easily be located on one part of their country as on another. They would cheerfully acquiesce in the pleasure of Government in this thing.

The Shawnees, whose lands adjoin those of the Delawares, are improving in agriculture and kindred arts very promisingly. Their neat log cabins, fields, &c., appear little inferior to most new settlements of white people on our frontiers. They are in great want of a few more wagons and teams of oxen, more especially as they need a saw-mill and grist-mill. It was stated to me, when in their settlement, that if they could obtain some assistance in that part of mill building which they could not perform, they would, with their own hands, do all the work practicable for them.

The original inhabitants of this country are not warlike and fierce like our northern and southern tribes. This fact is evinced by the little personal injury occasioned by their wars. Between the Osages and Kansas on the one side, and the Pawnees and others on the other side, hostilities have long existed. They live neighbors to each other, hunt on partly the same ground, steal each other's horses, and have occasional skirmishes, and all with the loss of very few lives.

As Indian tribes who are convinced of the superiority of the whites will always be found in their *native state*, they are humble and manageable.

The Omahas, Ottoes, and others, at the suggestion of Major Dougherty, their agent, have recently expressed a desire to improve their condition, and that schools should be established among them for the instruction of their youth.

The Pawnees also may be said to be under the control of the United States. They are in their native condition, with the exception of a few guns, blankets, hoes, &c., which some of them have obtained from the whites, and which they use instead of the bow, (sometimes) and of the buffalo skin, and of the shoulder-blade bone of the same animal. Should any of these tribes be required to surrender to our Government authorities all such of their people as should invade the rights of any of our citizens, or the rights of neighboring tribes, and to give hostages until the real offenders could be apprehended, they would soon consent to be quiet. They could easily be taught to discontinue their robberies, by rigidly requiring them to restore the stolen property, or to make good the damage out of the annuities or the presents furnished them by the United States.

The line on the south side of the Kansa lands has been surveyed two hundred and sixty miles west of the State of Missouri. *No portion* of the northern line which separates their lands from the Delaware outlet has been surveyed.

The southern line of the Osage lands has been run west as far as Arkansas river, that is, about one hundred and twenty miles west of the State of Missouri. The northern line of their lands has been run only nine miles from their eastern limits, that is, thirty-four miles west of the State line.

I have furnished Col. Anderson, the principal Delaware chief, with a plat of their country.

A favorable notice is respectfully solicited to the requests of the Delawares contained in document D, and to their statements therein, that they have accepted of their new country under an assurance that *THERE they and their posterity may remain as long as any of them remain on earth.*

I have the honor to be,

With high consideration,

Your obedient servant,

ISAAC McCOY,

Surveyor, &c.

Honorable JOHN H. EATON,

Secretary of War.

GEORGEVILLE, MISS., *April 26, 1831.*

DEAR SIR: I address you for the purpose of getting some information respecting the late Choctaw treaty, particularly the supplement treaty. My object of inquiry is, that I have bought several claims of the natives that came under the supplement treaty, and have bought them as floating claims: you will please do me the favor to inform me, by the first opportunity, how many floating claims were allowed in the supplement, and to whom they were allowed? I have never seen a copy of the supplement treaty, and you will do me a particular favor by sending me a list of the names entitled to floating claims. Under the supplement treaty, you will please instruct me re-

specting conflicting claims; for instance, where one is entitled to a section, and another is entitled say to a half section, or the quarter sections, and they both fall in the same section, which will be the case in many instances, please say which will have the ascendancy—the one holding the whole section, or the half? and suppose the half section to be the oldest, and in case of one or the other giving way, which you know must be the case, will the other be entitled to a float, or will he have to locate on the nearest adjoining lands to his improvements? In regard to those that come under the cultivating claim, I wish to inquire further: suppose that an occupant should live and have a dwelling-house on one place, and not have more than 1 or 2 acres where the dwelling is, and should have, say 30 or more acres in cultivation, say from 8 to 10 miles from his dwelling, and that his improvement 8 or 10 miles off is valuable, and where his house is is not valuable, would he not be allowed to take the improvement where he cultivated the most land? And suppose a native, living at a place where the treaty was made, and had not more than an acre in cultivation where he lived at, and should have hands to cultivate from thirty to forty acres, and should have rented from another native thirty or forty acres, and had it in cultivation at the time the treaty was made, and the native he rented of lived say six miles from the settler who rented, would not the native who had but one acre in cultivation where he lives, and rents from the other, would he not be allowed 480 acres, and locate it where he lives? Please say to me whether they will have to prove their claims, and in what way the proof will have to be made. I mean all the natives who are provided for. Many think here that there will be no proof required of the natives; that all they have to do is to register their names, and send on the numbers of the section they have located on, and a patent will issue. You will please find time to comply with my request, as I am engaged in several purchases, and wish to know how to proceed.

Dear sir, I am

Your humble servant, &c.,

JNO. ALSTON.

Honorable JOHN H. EATON,

Washington City.

N. B. My address is—Vicksburg, Warren county, Miss.

J. A.

Extract of a letter, dated 27th April, 1831, from Richard Cummins to honorable John H. Eaton, Secretary of War.

“In council with the principal chiefs of the Kickapoos, and several of his councilmen, lately, he informed me that it was their wish to hold a treaty with the United States. That they wished to exchange their land in this State for land on the Missouri river, west of the boundary line of the States. He says that the whites are making settlements near them, and are in the habit of letting his people have whiskey; that he is fearful that his people will do no good where they are. All of which he requested me to make known to you, with a request that you would give him an answer as soon as convenient.”

CREEK AGENCY, *May 2, 1831.*

SIR: Previous to my leaving Washington City last spring, I informed you of the situation of the stock of cattle and hogs which had been received from the party of Creek emigrants in 1829, and suggested to you the propriety of having them sold; you stated that I would be instructed on that subject. Not having received any instructions in relation to the business, I deem it proper to call your attention to the subject, and respectfully suggest the propriety of your ordering them to be sold as early as possible. Notwithstanding all proper means have been used to have them taken care of, I apprehend many of them have been destroyed, and, if they are not shortly disposed of, may prove an entire loss to the Government.

It has been represented to me that many of them have already been driven into the settlements of Alabama, and sold by the frontier settlers.

Several of the emigrants, who had stock valued, were owing debts in the neighborhood, and gave their creditors a lien on the money due by the Government for their stock and improvements. Some of those creditors would take stock to the amount of their claims, and, if it meets your approbation, it may be in my power to put off the stock to those creditors without a loss to the Government. Such claims as may be settled in this way, will be considered as a payment made to the emigrant for his or her stock and improvements.

I have the honor to be,

Your obedient servant,

JOHN CROWELL,

Agent for I. A.

The Honorable JOHN H. EATON,

Secretary of War, Washington City.

CHOCTAW AGENCY, *May 3, 1831.*

SIR: Your letter of the 1st ultimo has been duly received, and its contents shall be strictly attended to; but I have no idea, from what I can learn, that the Choctaws will agree to pay any thing out of their annuities. Inquiry every day is made if I had the treaty as ratified. The Indians are desirous to move this fall, and request me to know of you if arrangements were made for that purpose, and the valuation of their cattle.

There was 471,820 acres of land entered in this office previous to the first of January, according to the provision of the late treaty for cultivating, last year, 104,620 reserves, and 367,300 relinquished to Government. I have received instructions from the Second Comptroller how to pay the annuities this year, but Greenwood Leflore has brought it himself, and says he will pay it in his own way. I wish to be advised on this subject as soon as practicable, as there are some difficulties in his district, and it will be impossible for me to pay it as required.

I have the honor to be,

Very respectfully, &c.,

W. WARD,

Agent C. N.

Hon. JOHN H. EATON, *Secretary of War.*

FORT BALL, SENECA COUNTY, OHIO, May 4, 1831.

SIR: I have the honor to inform you that, after a very fatiguing journey, I arrived here on the 3d ultimo, with the Seneca chiefs under my charge, and conveyed them in health and safety to their tribe. They were highly gratified with the result of their visit to Washington; and expressed, in the strongest terms, their gratitude to the President and yourself for the kindness and generosity they had experienced.

Soon after my return, (as I informed you a short time ago,) the chiefs expressed to me a wish that a general council might be called to explain the terms of their treaty to their own tribe, and that the chiefs of the other tribes in Ohio might also be invited to attend, that they might inform them "what good things their great father had done for the Senecas." Conceiving their request to be reasonable, and that the measure might also tend to facilitate the benevolent policy of the Administration towards the Indian tribes, I determined to comply with it as far as in my power. Accordingly, I sent out runners to the different tribes, and paid their expenses myself, having no public funds whatever in my hands. Delegations from the Wyandots, Shawnees, and Lewistown Senecas, attended. The council was commenced on the 29th ult., but was protracted by the illness of one of the Seneca chiefs, and terminated yesterday. I feel confident that it has been attended with beneficial results to the Indians, as well as a furtherance of the policy of the Government. It occurred, very opportunely, that Mr. Gardiner, the special commissioner appointed by the President, reached home just in time to be present at the council, and avail himself of the facilities which it afforded to make known the objects of his mission to some of the chiefs of the tribes with whom he is authorized to open negotiations. He attended from day to day, and was listened to with the most profound attention by all the chiefs present.

The remote residence of the agent, Colonel John McElvain, from this part of the country, rendered it inconvenient to apprise him of the wishes of the Indians, as before expressed. Besides, as this was merely a local matter, within my own jurisdiction, I did not conceive it necessary; and I thought, moreover, that Col. McElvain had evinced an unwillingness to visit the Senecas, *having never yet met them in council*, or held any general consultations with them as a tribe.

To my astonishment, I received a letter from the agent last evening, (which I take the liberty of enclosing,) virtually dismissing me from the public service. I say I was astonished, because, while at Washington, my temporary appointment as sub-agent to the Senecas was confirmed by you, or intended to be so, and my name was officially signed to the Seneca treaty in your presence, and by your orders; and I was informed by Judge Hayward that you expressed a wish that I should conduct the Senecas to their new residence when they removed. I had the pleasure of believing that my whole conduct met your entire approbation; and I shall still cherish this belief, until I hear the contrary from *yourself*.

It is not in my power to give a *certain* reason for the letter just received from Col. McElvain, and it is not my province to hazard a conjecture. When the chiefs of the Senecas requested me to conduct them to see the President, I declined to do so without first asking the *consent* of the agent. This, as you will see by his letter of January 20th, (also enclosed,) he refused to grant. Notwithstanding this, the chiefs continued to importune me, from time to time, in the most supplicating manner to accompany them

to the President, until I at length yielded; but not until after they had requested Col. McElvain to go with them and received his refusal. Their reception by the President and yourself, and the final result of their visit, have gratified the Indians in the highest degree; and the treaty made with them is universally considered as the most beneficial measure of the administration towards this section of Ohio. If I have offended, it has been in my zeal to benefit the Indians under my charge, and by endeavoring to promote the policy of the Government.

On my arrival in Washington, you were informed of my having received a temporary appointment, after the decease of my predecessor, (James Montgomery,) and, during your visit to Tennessee, Mr. Gardiner informed me that you had confirmed my appointment, and said my warrant would be made out. You were taken sick before I left the city, and it was probably forgotten. At any rate I did not think proper to trouble you about it while you were indisposed.

The Senecas are taking the preparatory steps for their removal, and continually need and ask my advice and assistance: more so now than before they ceded their lands. Under these circumstances, I shall continue to act until I am informed by you, through the principal of the Indian Bureau, that my services must terminate.

My situation is not an enviable one; and I retain it more as an humble auxiliary to the present administration than from personal convenience or emolument. I shall cheerfully abide your decision, and I request that I may be apprized of it as soon as convenient.

I regret exceedingly that I am obliged to trouble you with this business. Excuse me.

With sentiments of high respect,

I have, &c.,

HENRY C. BRISH.

Hon. JOHN H. EATON,

Secretary of War.

INDIAN AGENCY, COLUMBUS, OHIO, *April 23, 1831.*

DEAR SIR: The Secretary of War has directed me, in every case consistent with the public interest, to reduce the expenditure of the Ohio Indian agency. It is therefore my opinion that, as I shall the present season be able in person to attend to the interest of the Senecas, that your services will no longer be required.

In a few days I expect to visit Seneca for the purpose of ascertaining the true situation of the Indians of that place, and whether it is their wish to remove the approaching summer; and all that has detained me from doing so before now, and which still detains me, is the daily expectation of receiving instructions to carry the Seneca treaty into effect; as Col. Hamilton some time since informed me that they would soon be forwarded to me, and likewise funds to meet the current expenses of this agency for the two first quarters of the present year.

I am, &c.,

JOHN McELVAIN,

Indian Agent.

Mr. H. C. BRISH, *Fort Ball.*

COLUMBUS, *January 20, 1831.*

DEAR SIR: Your letter of the 14th inst. was this day received; in answer to which I will observe that, for various reasons, I cannot give my consent for you to accompany my Seneca friends. However, you are at liberty to act in this affair as you think proper.

Give my respects to the chiefs.

Yours, &c.,

JOHN McELVAIN,
Indian Agent.

H. C. BRISH, Esq.

TIFFIN, OHIO, *May 4, 1831.*

DEAR SIR: I have the honor to inform you that I have entered upon the duties assigned me; and I shall from time to time keep you informed of my progress. On my return I found that Capt. Henry C. Brish, the sub-agent for the Senecas, was about convening a general council of that tribe, in order to explain to them the details of their treaty with the Government, and had very judiciously, at the request of the Seneca chiefs, invited the chiefs of the other tribes in Ohio to attend. This gave me an excellent opportunity of entering upon the incipient measures of my mission, and I embraced it. Small delegations of the Wyandots, Shawnees, and Lewistown Senecas, were present at the council; and I have much pleasure in saying that I found them favorably disposed towards the policy of the administration. Nothing, I am convinced, can be more gratifying to the people of Ohio, than the extinguishment of the Indian title to lands within this State; and the very liberal terms, which I am authorized to propose for this object, cannot fail to be successful, unless the benevolent efforts of the administration should be thwarted by the sinister opposition of some who are in the employ of the Indian department within the State, and the missionaries and other white people who feel an interest in keeping the poor natives in their present miserable condition. Of this, I have some reason to fear; but should I, in the course of my progress, obtain justifiable evidences of the fact, I shall not fail to apprise you of every circumstance; and I shall feel it my duty to request such obstacles be removed out of my way, or my services and the humane intentions of the Government must prove utterly unavailing.

I beg leave to call your attention to a subject which came to my knowledge on yesterday, and which is, in a considerable degree, connected with my official duties. Capt. Henry C. Brish, the sub-agent to the Senecas, informs me that the agent at Columbus, Col. McElvain, has dispensed with his services. This was very unexpected, and, permit me to say, very injudicious, particularly at the present time. The Senecas are preparing for their long journey and total abandonment of the spot which has been their home for more than fifty years; and their convenience and safety from impositions require the assistance of their sub-agent almost daily. The agent resides nearly a hundred miles from them, in the interior, and it is impossible for him, without removing into this section of the State, to attend to their constant requisitions. I can truly say, that I have never seen a more zealous, industrious, or capable agent than Capt. Brish. During the last winter he borrowed 400 dollars, on his own private credit, to enable the chiefs to go and see the President. He went with them at his own hazard, and to

his personal exertions and great perseverance may be attributed, in a very considerable degree, the treaty made with the Senecas at Washington, which is now a theme of universal approbation in this part of Ohio by both parties. The Indians have entire confidence in him, and he has perfect control over them. They say you promised them he should accompany them to their new home, and I think they will not be satisfied to go with any other man. He has a peculiar tact in operating among Indians; and he is a most devoted supporter of the policy of the administration relative to Indian affairs. He has already been of much service to me, and I anticipate many advantages from his intelligence and talents, during the approaching summer. I should regret extremely if so valuable an officer should be lost to the Indian department, at any time. We have, unfortunately, too few of such men now in the service in Ohio. Capt. Brish has talents sufficient to wield even a heavy *agency* with great credit, and his industry is untiring.

I will not attempt to assign a motive for Col. McElvain's course; but, whatever it may be, I feel myself justified in saying that it is *not* in consonance with the public exigencies in this quarter at the present juncture.

Excuse this rude scrawl. My health is much impaired, and I write in haste, without time to copy or correct.

With great respect, &c.,

J. B. GARDINER.

Honorable JOHN H. EATON,
Secretary of War.

CHICKASAW AGENCY, May 5, 1831.

SIR: A council of the chiefs and head-men of this nation is to convene this day at the King's, about one hundred miles west of this place, I presume, for the purpose of taking into consideration the subject of the late treaty, as John McLish applied to me two days since, in the name of Levi Colbert, for the treaty, in order that they might have it at the council, and also advising me that early after this council, another, consisting of the chiefs, would meet at this place. When I set out to the west last fall, I left the treaty in the care of Mrs. Reynolds, and in my absence Major J. L. Allen, the sub-agent, called on her for it, and she hesitated to give it up. The Major observed that it was a public paper which he had a right to see, and as a public officer she surrendered the paper to him. On Mr. McLish's application, I applied to Mrs. Reynolds, and she related the circumstances by which it went out of her possession. I immediately applied to Major Allen, who reports that it is lost or mislaid: he recollects taking possession of it to show to a Dr. Bumpass and others, but says he has no knowledge of what has become of it. Upon his report, I informed Mr. McLish of the circumstances, and promised him that I would immediately write, requesting you to send me a copy.

I exceedingly regret the necessity of this communication, but do assure you it has not gone out of my possession by any carelessness or neglect of mine, for I have at all times been mindful of your injunction when you intrusted to my care a copy of the treaty.

Major Allen was apprized that the paper was not for public examination.

I have the honor to be,

With great respect,

Your obedient servant,

BENJAMIN REYNOLDS.

Honorable JOHN H. EATON.

DEMOPOLIS, ALABAMA, *May 7, 1831.*

SIR: It was intended by the Choctaw Indians, in negotiating a sale of their lands this side of the Mississippi, in September last, to have had a provision inserted in the treaty, reserving "a sufficient number of quarter sections of land, to be sold under the direction of the President, to pay Glover and Gaines, licensed traders, nine thousand five hundred dollars due them by individuals of the nation, with interest thereon until paid." There was a reservation of two sections, to be located on any unappropriated land, inserted in the supplement to the treaty, and directed to be sold for the purpose of paying, so far as the proceeds would go, the debts due to said concern. But the nation having intended to provide for the payment of the whole amount due, and no notice having been taken, at the moment of closing the treaty, of the reservation being limited to two sections, contrary to their wishes, the debts are considered, by the nation and debtors, fairly cancelled, and collections can now hardly be expected. The concern is likely, in any event, to suffer materially by the substitute inserted by the commissioners, in lieu of the provision asked for by the Indians; and to enable it under the circumstances to obtain justice, so far as may be practicable, we beg to be furnished with a copy of the supplement to the treaty, and permission from the President, if necessary, to sell the two sections afloat, to the end that the proceeds may be applied as directed in said supplement, in order that we may take steps to recover the balance due.

Very respectfully, &c.,

ALLEN GLOVER & CO.,

For the late firm of Glover & Gaines.

To the Honorable THE SECRETARY OF WAR.

CHOCTAW AGENCY, *May 9, 1831.*

SIR: Your letters of the 13th and 14th ultimo have been duly received and their contents noted, and will be in due time attended to.

I answered you on the 3d inst. that Greenwood Leflore had bought in New Orleans (from the proceeds of his cotton) about \$3,000 worth of goods, and that he was determined to pay the annuities of his district himself.

The other two chiefs, Mushulatubbe and Netuchache, had given me a memorandum for about \$3,000 each, of which I enclosed a copy to the Department of War. They have employed Messrs. Glover and Gaines to purchase the goods to the amount of \$6,000. The goods are now purchased in Mobile, and brought to the old trading-house ready to be delivered upon my order. I have seen some of the head-men and Major Pitchlyn, and they all agree that they will be better pleased with the goods than money, even if they pay out of the annuity for the transportation of the goods.

I have no hesitation in saying that the Choctaws will be satisfied with your views as to the propriety of paying the charges of the goods. Be pleased to send me a copy of the treaty.

I will remark that application is made by some Choctaws to enter a claim of land, by remaining on the land a few years; some who did not live in the

nation at the time of making the treaty, claim this right. Let me hear from you on this subject, as it will save me much trouble.

I have the honor to be,

Very respectfully,

Your obedient servant,

W. WARD, *Agent Choctaw Nation.*

Honorable JOHN H. EATON, *Secretary of War.*

MEDINA, N. Y., May 9, 1831.

SIR: I had the honor to receive a communication from the Department of War, dated the 16th April, 1831, in relation to a certificate for 205 shares of stock of the late United States Bank, which was supposed to be in the hands of Mr. George Burt. Immediately on the receipt of the communication above referred to, I addressed a line to Mr. Burt, requesting him to forward to me the certificate in question; and I herewith enclose, for the information of the War Department, Mr. Burt's reply, which was this day received.

I am, very respectfully,

Sir, your most obedient servant,

JUSTUS INGERSOLL,

Supt. Six Nations N. Y. Indians.

Honorable JOHN H. EATON,
Secretary of War.

BUFFALO, May 7, 1831.

SIR: Your letter of 25th April was received during my absence to New York; and, on my return, I hastened to answer you as to the certificate for 205 shares of stock in the old Bank of the United States. I think that the certificate I had was not the original certificate of stocks given by the officers of the bank, but a certificate given by a notary public, stating that Mr. Morris had purchased 205 shares of stocks for the use and benefit of the Seneca nation of Indians, to be held in trust by the President of the United States, and this *paper, or certificate*, was given to the Indians as their surety that such an amount of stocks had been purchased for them by Mr. Morris. To satisfy the War Department of that fact, when you wrote to me, some time last fall, and requested me to give up the certificates I held, I then made a full copy of the paper, and sent you, that the department should understand what it was; and I supposed then, that, when they found what the certificate was that I held, they would not want any thing more of me. I do not think that the Indians ever had the original certificate of stocks issued by the bank, but that the original was deposited at the War Office, or with the President, he being the trustee. Since the time that I sent you the copy of the paper in my hands, and since the time that the law was passed by Congress to pay them again the six thousand dollars per year, the chiefs of the Seneca nation, who had left the certificate with me, called for it; and I gave it up to them, as I was bound to do. I can, however, if the Secretary of War is not satisfied with the statement I here make, and the copy I sent you before this, get the certificate of the chiefs again, and get a certified copy of it made by a notary public; and that I will

do, if required, for I am quite sure that the certificate that was in my hands is not the original certificate, and, consequently, not the one that the bank requires before they pay the dividend; for, as I said before, this certificate was not given by the officers of the bank, but given by a notary public at Philadelphia. This being the state of the whole matter, I suppose that the certificate wanted must yet be at the War Office, or lost, as the *cashier of the trustees* of the late Bank of the United States told me he supposed it was when I saw him at the bank in Philadelphia, and, at which time, I told him I had the original certificate, as I then supposed I had; but, on my return, on examination, I found the certificate I had was nothing more than I have here stated. With this statement of facts, I leave the matter to you; and you can, if you please, send this letter to Mr. Hamilton, that he may know the true state of the matter.

Very respectfully,
Your most obedient servant,
GEORGE BURT.

TO JUSTUS INGERSOLL,
Superintendent, &c., Six Nations, New York Indians.

CREEK AGENCY, May 10, 1831.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th ultimo, and, in reply, I have to state that, immediately after the receipt of Mr. Hamilton's letter, directing me to deposite in the nearest branch of the United States Bank, to the credit of the Treasurer of the United States, the unexpended balance of the twenty thousand dollars on account of emigration, I did deposite in the branch of Mobile fourteen thousand dollars; and, on the 20th of last month, forwarded to you the certificate of the cashier, which I presume you have ere this received.

I have the honor to be,
Your obedient servant,
JNO. CROWELL.

To the Hon. JOHN H. EATON,
Washington City.

EXECUTIVE DEPARTMENT, GEORGIA,
Milledgeville, May 14, 1831.

SIR: I have learned, through various sources, that since, the late decision of the Supreme Court, the Cherokee Indians are in the most unsettled state as to their future course.

It is exceedingly important that the Government should immediately send an agent among them who has their confidence, and who may be qualified to give direction to their measures. Such an agent may be procured by the appointment of Dr. David A. Reese, of Monticello, Jasper county. He is a gentleman of intelligence, high respectability, a member of the Legislature of the State, and as such was efficient in opposing the effort made at the last session to deprive the Cherokees, without their consent, and without compensation, of the occupancy of their country. He is the relation of Boudinot, the Adairs, and Charles Reese. He is personally acquainted with many others of their principal men, having visited his relations during

the last summer. He has lately received letters from them, giving an account of the distracted state of their councils, and urging him to visit them, and assist them with his advice. He is thoroughly convinced that it is to their interest to exchange the territory which they at present occupy for lands on the west of the Mississippi, and that the contract for that purpose should be entered into as early as possible. He wrote to me, upon the receipt of the letter from his Indian friends, desiring to know whether it was probable that his peculiar situation would enable him to be useful to the State. I have seen him, and requested that he would immediately comply with the invitation of his Indian friends. I have stated to him, that, if he will do so, I did not doubt but that the President would confer upon him such an agency as would authorize him to remain among the Cherokees for such time as he could be usefully employed in giving success to the policy of the Government, with such compensation as would be an equivalent for the pecuniary sacrifice he would make. He will, in compliance with my advice and desire, visit the Cherokees immediately.

I consider it important that no time should be lost in giving the proper direction to their present unsettled purposes.

Permit me, therefore, to request that you will present to the consideration of the President the propriety of employing Dr. Reese as an agent of the Government. If such an appointment should be conferred upon him, I would take upon myself the care of forwarding any communication you may make him. Dr. Reese has had with him, for some time past, an Indian boy, a relative of his, who is now desirous of returning to his home. This circumstance, together with others which have been mentioned, will enable him to visit the Indians; consult with them; give them correct views of the humane policy of the President; convince them of what they may expect from the future legislation of this State, if they should obstinately persist in opposing its wishes; and ascertain what are their present designs, and probable future course, without exciting that jealousy and suspicion which would be certain to interfere with the exertions of any other agent.

The deep interest which is felt by the people of this State in the immediate acquisition of the Cherokee lands, will, I have no doubt, excuse me with the President for pressing upon his attention such information as may possibly aid him in executing the contract of 1802, or of giving success to his liberal policy in placing all the Indian people, within the States, beyond their jurisdiction, and, where the means of the Government may be successfully used, to advance them in happiness and civilization. As connected with this subject, and calculated to throw some light upon it, I send you the copies of a letter of mine to the officer commanding the guard, stationed among the Cherokees with his answer.

Very respectfully, yours, &c.,

GEORGE R. GILMER.

To the Hon. JOHN H. EATON,
Secretary War Department.

EXECUTIVE DEPARTMENT,

Milledgeville, April 20, 1831.

SIR: I am desirous of receiving from you such information, in answer to the following inquiries, as your official station may enable you to obtain:

What effect has the late decision of the Supreme Court of the United States, in dismissing their bill of injunction against Georgia, had upon the Cherokees?

Are their chiefs disposed to make a treaty? if so, what means will be most efficient to secure that result?

If their chiefs are not so disposed, is the temper of the middle and lower classes different? Could they be induced to have a general meeting of the whole tribe without the concurrence of their chiefs?

If a treaty cannot be made with the whole tribe, through their chiefs, or the body of the people, would those who reside in Georgia be disposed immediately to sell the lands within its limits, either by treaty, or by the Government agreeing to pay each individual the value for his improvements?

How can the opinions, and wishes, and designs, of the chiefs and the people, upon this subject, be most certainly ascertained?

What white men, residing among the Indians or elsewhere, can, with the greatest probability of success, be employed to explain to them the policy of the General Government in desiring their removal to the Arkansas, and the rights of the State, which induced the extension of its jurisdiction over them, and to convince them of the great advantage they will derive from an immediate removal?

Are there any individuals so situated that they could be employed for this object, without exciting the suspicions of the Indians that they were the agents of the Government?

Are there any of the half-breeds who could be trusted with such an employment?

What portion of the Indians will probably remain in this State, if a treaty should be formed, and individuals allowed to take reservations?

Are the Indians now prepared for the appointment of commissioners to treat with them, or would further delay more certainly accomplish the object?

You are also requested to communicate to me whatever information you may have of the conduct of the missionaries, Worcester and Thompson, or either of them, in opposing the removal of the Indians to the west of the Mississippi, creating opposition to the laws of Georgia, or inducing the Indians to persist in their attempt to establish an independent government. What has been their conduct since their discharge? What is the name of the white man whose appointment you recommend, should Worcester be removed from the post office at Echota?

Should Mr. Byhan cease to be postmaster at Spring Place, can any respectable white man be found to succeed him?

Very respectfully, yours, &c.,

GEORGE R. GILMER.

Col. JOHN W. A. SANFORD,

Commander of the Guard, &c.

AGENCY AT SCUDDER'S, May 5, 1831.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 20th ultimo, and regret that I am unable, in my present reply, to answer fully and satisfactorily the several inquiries submitted by your excellency. Some of them embrace a knowledge of circumstances yet to

be acquired, and obstacles may be encountered which will render time necessary for its procurement. Anterior to the denial of the injunction, and during the pendency of the case in the Supreme Court, there appeared, from its frequent expression, but one sentiment among all classes of the Indians, that of ceding the country in the event that our proceedings were not stayed. Probably a decision inimical to their supposed rights was but little anticipated, and these declarations may have been made in the confidence of having nothing to dread from that tribunal. An opinion to that effect had obtained generally, if not universally, among them, and from the frequent encouragement given them from various quarters, sanguine expectations were formed of an issue entirely favorable to their pretensions. When, therefore, intelligence of the fate of their application reached them, a universal gloom, corresponding to the former elevation of their hopes, prevailed throughout the nation—all was considered lost, and the propositions of the Government *now* their only alternative. With the view of counteracting this impression, and preventing the effects of what they considered the principal object in the extension of our jurisdiction over them, certain chiefs are now making a tour through the nation, and endeavoring to inspire their people to further obstinacy by representing that, although foiled in their late attempt, yet their situation was by no means remediless; that they would have to yield for *the present* to the fate which had been unjustly and cruelly imposed upon them, but their friends had not dispaired of their ultimate relief; that their fears had been unjustly and unreasonably excited by the misapprehension of a decision which would be found, when reviewed, as much in their favor as against them; that their cause was at this very time really gaining ground, and would, with the co-operation of their friends at the north, if they *persevered* themselves, be eventually crowned with success; that the utmost period of their patience would not exceed the next presidential election; that nothing could be more certain than the defeat of Jackson in the approaching contest, and that Clay, as President, would enforce the intercourse laws, and execute their treaties. Such is the shocking knavery which the Ambristers and Arbuthnots of the north, for the vilest of purposes, have practised upon these warrior statesmen, and with which, in their turn, with motives, if less criminal, not less selfish, they are endeavoring to delude their more ignorant and illiterate countrymen.

How far these representations may reconcile them to their present situation, remains yet to be discovered.

A few of their immediate adherents, from abject and habitual deference, may still confide in their assurances, but it can be no longer concealed from the better informed and more intelligent, that their political consequence is at an end; that their chiefs are powerless, and, so far from governing, are themselves subjected to a government far different from that of their own choosing. To a people claiming to be free, these are indeed disgusting circumstances, and they have not been here without their accustomed effect. Great discontent is visible throughout the whole country, and, if the means were in their reach, numbers would abandon it as doomed to a fate which no effort of themselves or friends can reverse. As far as their feelings have been ascertained, they would prefer offering their improvements separately for valuation, and of receiving their pay themselves from Government, which they appear apprehensive of not getting under any arrangement effected through the agency of their head-men. No wonder that they have been heretofore opposed to treaty-making: the consequences to themselves

have been a clear loss both of home and country, with the additional trouble of settling a new, perhaps, under many inconveniences. Averse to parting with any portion of the country, without realizing the benefits themselves, their chiefs early foresaw the consequences resulting if emigration were permitted, and accordingly severe penalties have been enacted against it as an encroachment upon their power that would, in its progress, leave them neither territory nor subjects. The dread of punishment accomplished the object designed, and a period was put to further removals during the existence of their laws. Its re-establishment, under the protection now given, would probably be attended with the success expected upon its first projection, whilst the policy pursued in occupying the abandoned improvements would more certainly, than persuasion or argument, induce others to come into the same measure. Their chiefs, seeing the country gradually wasting away from a cause they have ceased to control, may make a virtue of necessity, and at length yield to what they can no longer prevent, the surrender of the country. They may be further induced to this course from the expectation of getting reservations, which, under other circumstances, they might fail in securing. After *all*, *this* may be the true secret of their conduct; and the part they are now acting may be nothing more than a *ruse de guerre*, played off to prevent a precipitancy in the nation that might be prejudicial to their own views. It may have had its origin in other motives. At this time, they are expecting the Government to follow up the decision of the court by a commission to treat, and have persuaded the Indians, by affecting a *reluctance* to such a measure, better terms can be procured than if they appeared anxious or willing to leave the country. By an artifice of this kind are they made the unsuspecting dupes of a policy operating in direct variance with the object of their most fervent wishes, whilst their declarations thus obtained are averred to be their genuine sentiments, and cited as evidence of their attachment to their country, and of their determination never to forsake it. As yet, they have listened alone to the representations of the interested chiefs, and the *insidious* and not less *interested* missionary. But little has been disclosed of their actual situation and of their future prospects, and that little gleaned when events rendered concealment no longer practicable. Far from informing or enlightening their minds upon these subjects, their ignorance and their prejudices are subservient to their purposes; and claim for them happiness and contentment, because they themselves are happy and contented at an order of things that secures them power and influence.

If competent persons, therefore, were sent among them—*men capable* of exposing the frauds which have been practised upon them by the concealment and misrepresentation of every thing connected with their interest and happiness, as well as of explaining the conduct of the Government in its policy toward them, and of pointing out the many advantages consequent upon its adoption, great good would doubtless be done. The delusion which has enchained the common Indian, in obedience to the will of his chief, would be dispelled, and a determination formed of consulting his own understanding in matters so seriously affecting his well-being hereafter. This spirit is beginning already to manifest itself, and, if encouraged by a measure of this kind, would increase to an extent not to be controlled. The people east of the Hightower are beginning to think in good earnest of taking their affairs into their own hands, and I have urged them to do so by every argument I was capable of suggesting. However averse, under other

circumstances, to excite disunion and distrust among them, a sense of paramount duty to the State has led me to view this measure with less repugnance, under the belief that it would ultimately result in the good of the country. Every thing is in a state of anarchy and confusion, and if any feeling predominates more strongly than another, relative to their future course, it is that of a wish for emigration. This appears to be the more popular mode from its more liberal compensation; and so long as there is a prospect of disposing of their improvements under that arrangement, an attempt at more extensive negotiation would probably be unavailing. No opinion, however, is confidently given; perhaps none can be correctly formed amidst embarrassments that render the attainment of the truth exceedingly difficult. Almost every day brings intelligence of different import, and, until there be some indication of a settled and fixed purpose, it would be in vain to attempt answering your inquiries accurately, minutely, or particularly. Every effort will be made on my part, after the requisite information, which, soon as obtained, will be forthwith communicated. Of the missionaries, the concurring accounts from all quarters represent them as a mischievous and intermeddling order of men, entirely regardless of their vocation, and forgetful of their holy character in their active and violent opposition to the Government. The good of the country requires their speedy removal; and the sooner it is done, the better for its interest.

I have the honor to be,

With great respect,

Your excellency's obedient servant,

J. W. A. SANFORD.

His Excellency GEORGE R. GILMER, *Governor, &c.*

BUFFALO, *May 17, 1831.*

SIR: I was visited last week by several chiefs of the Munsees, who reside at Cattaraugus, about thirty miles from this place. Their situation is a peculiar one, and they desire to remove to Green Bay. In conformity with their wish, the enclosed petition was drawn, stating only such matters as they suggested and desired might be presented to the department. It is perhaps well known to the department that the Munsees have no possessions now in this State. They live upon the lands of the Senecas.

Those that remain are few in number, (about eighty,) and, having a great desire to remove to Green Bay, ask the aid of Government. If there be any fund from which they can be assisted, I shall be happy to be instrumental in doing them a service which they much need.

I wrote some days ago on the subject of my agency, since that, I received a letter from Mr. Stambaugh, stating that he would soon be here. I expect him and the Menomonies every day. When he arrives, I shall then take the liberty of communicating to the department again on the same subject. There is much to be done here for the Indians, and I am more convinced than ever that a resident agent here is very necessary.

Most respectfully,

Your obedient servant,

JAMES STRYKER.

Hon. JOHN H. EATON.

To the honorable the Secretary of War of the United States:

We, John Locke and Samuel Harris, chiefs, acting for that portion of the Munsee nation or tribe of Indians who reside in the vicinity of Cattaraugus creek, in the State of New York, represent to their father, the Secretary of War, that the Munsees have long desired to remove to Green Bay, to the lands allotted to their nation with their brethren the Stockbridge Indians.

The Munsees of Cattaraugus Creek are about eighty in number, consisting of twelve families; they are poor; they reside upon lands of the Senecas, and receive no moneys from the State or National Government.

We have, at the request of our people, called upon our father, James Stryker, of Buffalo, who is the agent for the New York Indians, emigrating to Green Bay, and we have asked him to lay our case before the Secretary of War, or our great father, the President.

There are with us, at Cattaraugus, fifteen Stockbridge Indians, who desire also to remove to Green Bay, but have not the means.

We have no money; no lands in this State; no claims upon the State; and are living upon the favor of the Senecas.

We ask for help, and desire the Secretary to state our situation to our great father, the President, that he may direct the agent at Buffalo, whom we know, and who has our confidence, to aid us in removing to Green Bay, where our bretheren are. If the kind hand of the Government be extended to us in this our helpless condition, we shall ever be grateful.

JOHN LOCKE, his x mark.

SAMUEL HARRIS, his x mark.

Signed, also, by

GHUSKUSAR, or WALKING, his x mark.

CAPTAIN BILL ELLIS, his x mark.

In the presence of

W. L. BALL.

JAMES STRYKER.

Dated, May 12, 1831.

CHOCTAW NATION, *May 20, 1831.*

SIR: I am requested to forward to you the enclosed. You will readily perceive the object is to get the President of the United States to approve of any sales of lands the Choctaws may make to any person before the lands are surveyed, as they wish to sell and go off this year. All are aware that every claim has to be taken by sectional lines, and a complete grant cannot be had until after the country is surveyed. What they wish to know is, if an order from the Indian claimant, and a full receipt from the purchaser, will be satisfactory. The Indians request you to send them thirty printed copies of the late treaty, ten for each district.

I have the honor to be,

Very respectfully,

Your obedient servant,

W. WARD,

Agent for the C. Nation.

Hon. SECRETARY OF WAR, *Washington City.*

At a council held near Dancing Rabbit Creek by the two eastern districts of the Choctaw nation, the following business was done, which we, the undersigned, have no doubt will be sanctioned by Leflore's district.

Whereas, after a full discussion on the different provisions of the treaty which was made last September, it is the opinion of the council that the provisions contained in the 19th article of said treaty, which provides for reserves to persons, a number of acres, according to the size of plantations which the individuals may have cultivated last year, to captains certain reserves, &c., which may be sold by the consent of the President; and as this council cannot discover how they can legally sell their reserves until the land is surveyed, and as they all wish to sell their reserves in time to move west of the river in October next: therefore, it is the unanimous wish of this council that our great father, the President of the United States, may appoint our beloved friend Col. William Ward, our agent, or some other suitable person to act as agent, to see that our people are not defrauded out of their lands, but that they may be at liberty to sell and be ready, to move west next fall. Therefore, resolved, by this council, that the agent, Col. Ward, write to our great father, the President, to make known the wishes of this council.

We are, respectfully, your friends and brothers,

Mushulatubbe, <i>chief, &c.</i> , his x mark.	Artonimarstubby, his x mark.
Netuchache, <i>chief, &c.</i> , x	Shupharchatubby x
Corhohartubby, <i>speaker, &c.</i> , x	Hoshhopia x
Earcharhopia, <i>speaker, &c.</i> x	Harlartar x
Hookloontubby x	Tishohonubby x
Pistambee x	David Picken x
Holecleleex x	Talking Warrior x
John McKemey x	Holbar x
Is Suklear x	Spanhoommar x
Tiskechilatar x	Adam Folsom x
P. P. Pitchlyn x	Thomas Wall x
Funerhachar x	Ooklarbee x
Immilitche x	Koahoommar x
Haryotubby x	Hopiatushkar x
Tishcorharcho x	Mingo Hoommar x
Isaac James x	Archuffarbe x
Cooshoommar x	Ishmarbe x
Joseph Kincaid x	Tishnowar x
James M. King	Nittukaichee x
Pierre Juzan	James Terriell
Oorarharbee x	Istanopoly x
Panshishtikarley x	Arthupotubby x
Funnymingo x	Tisholikarley x
Tikbacharharley x	Hikayar x
Chartharmatarhar x	Sukatubby x
Toonshparharley x	Pukummy x
Charles Juzan	Warshar Shyhopia x
Hooshshihoommar x	

Done in full council, the 18th day of May, 1831.

Teste:

JOHN PITCHLYN,

U. S. Interpreter.

NEW YORK, *May 20, 1831.*

SIR: Accompanying this, we hand you invoice of goods furnished Col. Stambaugh, for the Menomonie Indians, as ordered by your letter of the 24th April, amounting to \$3,553 19. By the advice of Governor Cass, we varied the description and proportion of the different kinds of goods somewhat from your memorandum. They are all of the first quality, and exactly such as are furnished the Indian traders for that region of country.

Col. Stambaugh felt himself under some obligation to purchase from the merchants at Green Bay the goods (say \$1,200 worth) that he was directed to pay cash for; we therefore could not insist upon his paying us the money.

Below we give you the prices of our blankets, as we are at present selling them: the great advance of every description of woollens on the other side of the water, will undoubtedly raise the market. We shall, however, at all times be able to furnish you with any quantity, by giving a few days notice.

Mackinac 3 points, 5 feet by 6 feet, 8 lbs. \$7 00 pair.

" 2½ " 4 ft. 6 in. by 5 ft. 6 in., 6 lbs. \$5 50 pair.

Other sizes of this description in proportion.

Fancy end blankets, 58 in. by 64 in. 5½ lbs. \$3 25

Do. do. 58 " 64 " 6 " 5 00

Do. do. 60 " 68 " 6½ " 5 50

Imitation Mackinac, 3½ points, 56 in. by 72 in., 6 lbs. \$5 00

Do. do. 3½ " 58 " 72 " 6½ " 5 50

Do. do. 4 " 63 " 78 " 7 " 6 50

Wool and cotton cards of *the best* quality can be had as follows:

No. 6, cotton \$5 00 dozen pair.

7 " 5 25 "

8 " 5 50 "

9 " 5 75 "

10 " 6 00 "

No. 4, wool, 3 75 "

5 " 4 00 "

6 " 4 25 "

Any of the above articles, or any other goods required for the Indians, we shall be pleased to furnish you at short notice.

With our best respects, we are, sir,

Your obedient servants,

SUYDAM, JACKSON & CO.

Hon. JOHN H. EATON.

HEAD QUARTERS 7TH INFANTRY,

Cantonment Gibson, May 21, 1831.

SIR: I had the honor, on the 6th February last, to transmit to you the duplicate of a letter I had written to Mr. Chouteau, agent for the Osage nation of Indians. I received Mr. Chouteau's reply to my letter, referred to, on the 14th of March, in which he informed me that the Osages would meet the Creeks agreeably to their wish, with the object of settling all dif-

difficulties between them. This compliance, on the part of the agent for the Osages, was very fortunate, as I could not doubt, (at the time I received his letter,) that it was the only measure which could prevent a war between these tribes, in which the Cherokees, and the wandering bands of Delawares, Shawnees, and others, in all (of these bands) two hundred warriors or more, would have been engaged on the side of the Creeks.

As there still existed causes of discontent between the Cherokees and the Osages, Mr. Chouteau requested Captain Vashon, agent for the Cherokees, to invite the Cherokees to meet the Osages; and the three tribes, or their representatives, met at this post about the 4th instant, and it affords me much pleasure to announce to you, that their assemblage has resulted in a final and entire settlement of all difficulties between them, in a manner very satisfactory to all parties. The Creeks entered into a treaty with the Osages, and the Cherokees also concluded a new treaty with that nation. These treaties, I have no doubt, will do much to insure peace between these tribes in future.

Claremont's band of the Osages have not yet removed to the land reserved for their nation, and is therefore much nearer to the Cherokee and Creek settlements than the other bands of that nation.

The extreme and long continued cold weather of last winter, exposed this band to much distress for want of food, and was the material cause of their depredating on the property of their neighbors, the Creeks and Cherokees. The sum required to pay for the property they destroyed, has left this band but three or four hundred dollars of the annuity for the present year; and therefore Mr. Chouteau, their agent, has determined (believing from the necessity of the call that the charge will be met by the Government) to advance to them four or five hundred dollars in powder, lead, and such other articles as are indispensably necessary to enable them to live until their next annuity may become due, without depredating on their neighbors. And I am of the opinion that the sum Mr. Chouteau proposes to advance is absolutely necessary to prevent this band (owing to its poverty) from doing injury to its neighbors; and I have assured their agent of my opinion on this subject.

Mr. Chouteau informs me that there is a very suitable tract of land on the Verdigris, and within the Osage reserve, to which he desires to remove Claremont's band next fall. The accomplishment of this is very desirable, as the present position of this band is not favorable to the preservation of friendship between them and their neighbors, as these Osages can at present ride from their town in a few hours into the range of the cattle of the Cherokees and Creeks; and should their necessities urge it, they will certainly destroy them.

This band complains much of their poverty, and that they are not apprized that the Government will assist them to establish a new home. If their agent is furnished with three or four thousand dollars, to enable him to furnish them with tools, farming utensils, and some provisions, I have no doubt he will accomplish this very desirable object during the next fall; and by proper arrangements, induce them to seek domestic animals suited to their use, and to adopt the cultivation of the soil for their support.

I judge it will be desirable with you to receive a copy of the treaty entered into by the Creeks of the Arkansas and the Osages, and therefore a

copy of that treaty is herewith enclosed, in consequence of there being no agent with the Creeks at present.

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

M. ARBUCKLE,

Col. 7th Infantry, Commanding.

To the Hon. JOHN H. EATON,

Secretary of War, Washington City, D. C.

[The treaty referred to in the foregoing, will be found under date of June 28, in a letter from Mr. Chouteau to General Clark.]

COLUMBUS, OHIO, *May 22, 1831.*

DEAR SIR: On my return from Upper Sandusky, your letters of the 10th, 12th, and 14th instant, were received, and the directions therein shall be observed. By *accident*, I learned that Mr. Gardiner was, on the 17th instant, to hold an interview with the Indians of Upper Sandusky. On receiving this information, I repaired to that place, to ascertain his authority and object for so doing. When I arrived there, Mr. Gardiner showed me his appointment, which authorized him to hold interviews with the *Indians*, but I had not the satisfaction of examining his instructions.

After the chiefs assembled, Mr. Gardiner with great energy urged them to remove to the west; the chiefs were taken by surprise, and declined the offer. Mr. Gardiner then observed, that he would assemble every male over twenty-one, and that he would purchase the interest of every one of them in the reservation, who wished to dispose of it, and that he was empowered by the President so to do.

This declaration mortified and surprised the chiefs; and, after some altercation, moved for an adjournment, for the purpose, as they said, of ascertaining the views of their people more fully on the subject.

I have, in former communications to the department, stated, that it would take but little argument to convince the Ohio Indians that it was to their interest to remove out of the reach of the white people. But the better way to accomplish this desirable object, without any hard feelings on the part of the Indians, is to plainly point out to them, in a friendly manner, the ruin which awaits them, provided they remain much longer in their present situation; and to convince them of the great advantages arising from an early settlement on the west side of the Mississippi; but to get along with this business smoothly, it seems to me, before any threats are thrown out, which would go to divide and distract the tribes, that they should have an opportunity to visit and make a location to their own liking in the west; if this is not granted, and they are at the present time crowded to sell their lands, many of them will most assuredly remove to Canada; this I would much regret, as most of the Ohio Indians are the devoted friends and supporters of the United States. If it is thought best by the Executive, to give those tribes, who are not acquainted with the western country, an opportunity to examine it, I am confident, from all accounts given of it, that they will next fall, or early next season, cheerfully remove.

I do not wish, by any remarks I have made, to be understood as being

opposed to the removal of the Indians. On the contrary, it is my decided opinion, and, I should suppose, that of every man who has any acquaintance with them, who is not blinded by party feelings, that it is the only mode to preserve a remnant of the aborigines of our country. When I received my appointment, I did not believe I should be reported for the neglect of duty. Still, I have the consolation in believing, if the department knew the course I have pursued, that not only my official, but my private, transactions would be approved of; and, if necessary, I can make it appear that my time has almost exclusively been occupied in the discharge of my official duties, and I defy the person or persons making such charge, to sustain a single allegation. True, I have not, in person, devoted as much time and attention to the Senecas on the Sandusky river, as I have to the other tribes; and the reason was, because they were determined to remove as soon as the Government would treat with them. I, therefore, from day to day, expected to receive instructions to purchase their reservations, and to remove them out of the country. It was useless to spend time instructing them in agricultural pursuits, &c., &c.; and, indeed, they could not be prevailed upon to keep their farms in order after they made up their minds to remove.

Mortifying as it is to the old and substantial friends of the President and the country, we have a class of men among us whose lives have been spent in idleness, folly, and dissipation, destitute of every principle of moral honesty, who, by some means or other, have obtained a standing abroad to which they are not entitled, and who boast of their influence at Washington, and threaten to prostrate those who are not subservient to their wishes.

I think I am not mistaken, when I say that the charges against me must have originated at Fort Ball or Tiffin; and I trust, ere long, that the department will become acquainted with the designing characters of that place. In that region, until I appointed Mr. Brish to fill the vacancy occasioned by the death of the old sub-agent, things went on smoothly; but, since that time, I have good reason to believe, that Mr. Brish and one or two others of that place, have been secretly striving to injure my standing with the Indians, and character at Washington; all for selfish motives, for they can have no other. Entertaining the opinion of Mr. Brish that I do, I much regret that he is appointed to sell the Indian property. A short time since, believing the services of Mr. Brish no longer necessary, I notified him to that effect; since that time, I understand he has written to the department for a permanent appointment, but I do hope and trust that he will not obtain one. I much regret that I have been compelled to speak so freely, and if offensive, I ask pardon; but I cannot bear the idea of being undermined and reviled by men who have got no popular strength within themselves, and trying to ride into office by the political excitement which pervades the land.

I will leave Columbus on to-morrow, to ascertain when the Senecas wish to remove, and will as soon as possible inform you; my whole time, as heretofore, shall be spent among the Indians, except so much of it as is necessary to make my reports. I will render Mr. Gardiner all the aid in my power, and strive to accomplish the object of his mission.

I am, very respectfully,

Your most obedient servant,

JOHN McELVAIN,

Indian Agent.

The Hon. SECRETARY OF WAR,
Washington.

BIG SAND, CHOCTAW NATION, *May 23, 1831.*

DEAR SIR: Not having received any instructions, with respect to furnishing a memorandum of the articles wanted, in the district over which I have presided as chief, as the annuity for the current year, I took the liberty of purchasing an invoice, a copy of which I enclose. The goods were purchased in New Orleans, at wholesale prices; and will be delivered to the Indians upon much better terms than if furnished by country merchants. The people are more anxious to remove; and it appears very desirable that they should do so as soon as practicable. Many of them have neglected to make provisions for their longer support in this country, and will suffer as well on this account, as from their free indulgence in dissipation, which has already brought many of them to a premature death. It is also desirable, that the more wealthy part of the people, who will be most useful in the new country in its early settlement, should be the first to emigrate. They cannot, however, sell their reservations, until it is known how they will be located, and how and when the titles will be perfected. I am continually applied to for information on these points, and would be glad to receive some instructions which would enable me to furnish it. I have taken the liberty, for the purpose of encouraging emigration, to suffer some respectable white men to come into the country, and settle upon lands, for the purchase of which they have made conditional contracts. I should like to know whether I have done right in this particular.

I remain your obedient servant,

GREENWOOD LEFLORE,

Chief of Northwest District, Choctaw nation.

To Hon. SECRETARY OF WAR.

TIFFIN, SENECA, Co., OHIO, *May 24, 1831.*

DEAR SIR: In the progress of my negotiations with the Indian tribes of Ohio, I find myself greatly embarrassed for the want of a limited *contingent fund* placed in my hands, for the immediate payment of such small accounts as frequently accrue; and which are of too trifling amount to be discharged by *drafts* upon the War Department, as at present provided for in my *instructions*. Sums from one to ten or fifteen dollars, are often required to be paid to different individuals, for various purposes, and generally for matters small in amount, but *indispensable* to the convenient transaction of my business. Such, for instance, as the hire of guides, employment of extra interpreters, travelling expenses of the regular interpreters, victualling small parties of Indians, occasional presents of tobacco, defraying expenses of some of the Seneca chiefs who have already explored the country west of the Mississippi, and who *must* travel with me occasionally, as *witnesses* on behalf of the Government; and for small quantities of provisions for subsisting the chiefs and head-men, while counselling with them. Many other little items are daily found to be necessary. The aggregate of all such incidental expenditures would not be great, but the items are so various, and required at sundry points from different persons, that it would be much easier for me to take the necessary duplicate vouchers for each article, than to draw the numerous small *drafts* which would otherwise be necessary. Besides, for such small sums, drafts would not be acceptable to

those entitled to them. I have yet drawn *no draft* upon you; and I shall forbear to do so, (at least for any small amount,) until I hear from you on this subject. I shall be compelled, as I have been already, to borrow money on my private account, to defray the daily contingencies of my mission, rather than resort to drawing drafts for every five or ten dollars I may be compelled to expend. You may rest assured that I will exercise the utmost prudence in all my expenditures, and I shall be very particular in having my vouchers so regular and well authenticated, as to require no trouble or mistake in settling my accounts.

I therefore respectfully suggest the expediency of empowering me, by letter, to make a draft upon you for seven or eight hundred dollars, to be cashed here; which, I think, will obviate the difficulties which I at present experience, and will also save you much trouble in honoring numerous small drafts.

I shall forward a detailed report of the progress already made in my mission; in which, I trust, I shall realize the reasonable expectations of yourself and the President.

Permit me to request, that you will direct a reply to be made to this letter with as little delay as possible; as the Indians, generally, are now coming in from their hunting grounds, and it is necessary that I should be continually among them.

With sentiments of high consideration,

I have the honor to be, very respectfully,

Your most obedient servant,

JAMES B. GARDINER.

HON. JOHN H. EATON,

Secretary of War.

INDIAN OFFICE, *Tallahassee, May 26, 1831.*

SIR: The chiefs of the Seminole nation, as I am informed by the agent, have given their consent, in writing, that the school fund, secured to the nation by treaty, may be applied to the education of such Indian boys as the President may select, either at the Indian academy, in Kentucky, or at any other institution.

It is desirable to learn the views of the Department of War on this subject, and whether I am to proceed according to my instructions received last spring, to send on to the Indian academy in Kentucky, four other boys during the present year. In the last year of the late administration, the amount necessary for this superintendency was not transmitted for the *last half* year. I understood that the arrearages for that half year had been estimated and asked for by the Secretary of War, and that the same had been at the last session of Congress met by an appropriation. No remittance was made the last *half year* of 1830, to meet the allowances and salaries of the officers and persons employed at this superintendency. I trust that you will examine into the business, as the officers and persons employed are complaining of not having received their several allowances for the reasons as stated.

I received a letter of the 3d instant from the Second Auditor's Office, informing that a requisition, No. 1,504, had issued in my favor as superintendent of Indian affairs. I see it stated, for the pay of superintendent and

Indian agent, \$750 will be transmitted. This sum is due to the agent for the first six months of the present year; and my allowance for the last six months of 1830, and the first six months of 1831, is not included. If there is no objection on the part of the Secretary of War, it would be rendering me a service, by transmitting the amount to me with such arrears as are now due to the other officers.

My private affairs demand my attention in Kentucky, and if the Secretary of War does not deem my services necessary during the summer, to meet the views and objects of the Government, in executing such measures as the President may direct for the gradual removal of the Indians in this Territory, I shall leave this place about the last of June next. I will thank you to state *this* to the Secretary, and my movements will be in accordance with his desire.

I am, respectfully,

Your obedient servant,

WM. P. DUVAL.

SAMUEL S. HAMILTON, Esq.,

Superintendent of Indian Affairs.

KIAMETIA, CHOCTAW NATION WEST, *June 1, 1831.*

SIR: It has become necessary that I trouble you with a few lines on the necessity of directing the payment of certain expenses incurred in the emigration of the Choctaws. As I had acted under the direction of Col. Leflore, I deferred a direct communication on the subject, hoping that he would have visited this country, and relieved me from responsibility and anxiety before this time. But as the funds of the northwest district must be appropriated according to the direction of the Department of War, and as these expenses are expected to be met by the funds of that district, it becomes necessary that the department be apprized of the nature and probable amount of the claims.

In my communication of October, I apprized you of the violent efforts then making to put down the chief, and to prepare the materials to prevent the ratification of the treaty. I also apprized you of the difficulties that must result from the removal of the chief; that any engagement entered into by me, for corn, a smith, iron, &c., might fall on me as an individual. The publication of the letter of Col. Leflore greatly assisted me in accomplishing the desired object. But it also necessitated my assuming responsibility in certain cases not provided for by Col. Leflore. Col. Leflore furnished me with authority to purchase one thousand dollars worth of corn, if necessary, and to assure the person of whom I purchased that the money should be paid in July next, out of the annuity of the northwest district. I purchased corn to that amount in January, and issued about ninety bushels before the arrival of Lieutenant Stevenson. I immediately transferred the remainder to him. About this time the advance party of emigrants reached their place of destination, after very great suffering from the unparalleled severity of the winter. One of this party having perished with cold and hunger, I determined to prevent a like evil from occurring in future, by having supplies furnished from Coafabrica to this place, a distance of one hundred and sixty miles, through which all the emigrants had to pass, and in which very little cane or grass could be had for their horses, and neither meat or corn could

be had for their party. Thus situated, their sufferings must have been extreme, but for the supplies furnished them. But these supplies were not directed by the chief. I have assumed the responsibility, relying upon the necessity of the case, to justify the expectation of the prompt attention of the War Department. The demand to meet these engagements will be one hundred and fifty or two hundred dollars.

Col. Leflore requested that I would procure tools and iron, and put a shop in operation. This I have done with much difficulty. The smith has been engaged near two months, and will be continued a third month, if iron can be had. It was expected, by the chief, that the ferriage in crossing the Mississippi would be the only expense of that kind; but, in this particular, we have found it necessary to depart from his instructions. With the second company of emigrants, Mr. Myers, one of our teachers, was sent, with his family, as the leader of the whole of the emigrants, and by the example of whose family, the Choctaws might be stimulated to press through every difficulty. Mr. Myers found the first party on the bank of the Mississippi, and with much difficulty had a boat prepared to cross them. He then left most of the people and advanced to the saline, where he was detained five weeks, preparing a boat. At Coafabrica the ferriage was engaged for the whole of the emigrants, and again at Little river. It is impossible to say what will be the demand on this item.

I enclose you a letter from Mr. Haley, illustrative of the feelings that influenced me and the chief, when I left the nation, and under the influence of which I have acted.

Probable amount of engagements.

Corn, furnished in the nation, say	-	-	-	-	\$100
Corn and meat furnished on the way	-	-	-	-	200
Smith, two months, at \$40	-	-	-	-	80
Striker, two do. 15	-	-	-	-	30
Board, four do. 10	-	-	-	-	40
Iron, steel, &c.	-	-	-	-	120
Smiths' tools	-	-	-	-	35
Ferriages	-	-	-	-	150

\$755

It is hoped that these payments may be ordered to be made by some officer in this country, as the delay produced by forwarding them through the agent of the old nation will be very sensibly felt by some of the people having demands, and may shade the liberal spirit manifested by the people of the territory, in meeting the wants of the Choctaws.

Most respectfully, &c.,

ALEXANDER TALLEY.

To the SECRETARY OF WAR.

BIG SAND, November 3, 1830.

DEAR DOCTOR: I arrived here two days ago. I find the Indians emigrating in large parties. Col. Leflore is moving on in good order, and says he will

carry the treaty into effect by having all the Choctaws at their new homes in a year or two, whether the treaty is ratified or not, if the President will back him; and I have assured him there will be no failure on the part of the President. I have no doubt but the President will have supplies ready on the Red river and Arkansas, as soon as the party, that will leave here in a few days, arrives in that country. There will be several hundred there by the first of January, and you may rest assured the President will meet all contracts you may make over there, in getting corn for the Choctaws, until he gets his contractors there. The opposition are coming over every day and agreeing to emigrate this fall. Be prompt at your post, and you will be rewarded for your trouble. The President has the five hundred thousand dollars at his disposal, and he never will let the Choctaws suffer that emigrate. Do not be timid in providing for the poor Choctaws, on your arrival on Red river, as General Jackson will not let you or Col. Leflore lose for your magnanimous conduct in saving those unfortunate people; and you will find me, as you always have, ready to back you and Col. Leflore. Let people say what they please, the Choctaws must go or be lost. They cannot remain here any longer. All that are entitled to reservations by the treaty, are selling them daily to white people, under the inspection of Col. Leflore, and he gives the purchasers permission to come in and take possession. This enables the Indians to sell their corn and stock, and all their loose property. Ned Perry and Charles Hay sold their two half sections to day for \$3,200, and if the men could not have got possession until the expiration of the three years, they would not have given them five hundred for it. I have no doubt there will be upwards of one hundred white families in this district, by the first day of February. It will save the Government thousands of dollars, as the Indians will dispose of most of their stock to the whites.

May the Ruler of all things preserve your health on your journey, and bless you with many years; and that you may continue to do good for our friends, the Choctaws, you have my sincere wishes as a friend, wherever you be. Doctor, I do not expect to ever see you again in this life, as I know of no business that will ever call me to your country—the land of the Choctaws.

Your friend,

D. W. HALEY.

P. S. I informed the Secretary of War that you are pushing ahead. Thomas Myers conducts a party of about a hundred that starts in a few days.

Col. Gaines is here on his way to the west. I hope the President will appoint him agent for the Choctaws.

REV. ALEXANDER TALLEY.

JACKSON, MISS., *June 2, 1831.*

DEAR SIR: In the treaty concluded at Dancing Rabbit creek, between the commissioners of the United States and the Choctaw Indians, special provision is made for Delila and her five fatherless children, and Peggy Trahern and her two fatherless children, of one quarter section of land, each. Those women and children are my relatives; they live out of the nation, are in straitened circumstances, and are measurably dependent upon mine and my mother's assistance and protection; and, the provision was made for

them at the treaty, by the honorable Secretary of War and General Coffee, at my instance and request.

To render that provision of the treaty in any way available and advantageous to them, it is desirable that a location or selection of lands, for their benefit, should be made by some individual or individuals who take a personal interest in their welfare, and have sufficient information and judgment to make a location that may be really advantageous to the orphans. Such, doubtless, is the President's wish; such was the instruction of the treaty, and such, certainly, is my wish. Those widows and orphans are ignorant and helpless; and have no person to look to for advice and assistance, in a case of this nature, except myself and my cousin, Robert M. Jones, who stands in the same relationship towards them that I do. We are anxious to see them do well, and we wish the privilege of making the location of land for them. It will readily occur to you, that, without this privilege, their claim would not stand on an equal footing with the claims of those who live in the nation; and yet their equal right is clearly admitted by the treaty. Those living in the nation settled, in the first instance, it is to be presumed, on places of their own choice and selection, and have been secured in these places by the treaty. Surely, then, these widows and orphans ought to be permitted to select and settle on such vacant places now, as might best please them. This being admitted, I wish to know whether, should my cousin and myself make a selection for them, any difficulty would occur in its meeting the President's approbation. You will remark that this is the case of a *special*, not a *general*, provision; and, a special provision, made at my instance.

Will you be so obliging as to present this case to the Secretary of War, for his opinion and approbation, and favor me with an early reply.

I am, sir, your friend and obedient servant,

J. L. McDONALD.

S. S. HAMILTON, Esq.,

Office Indian Affairs.

PHILADELPHIA, June 4, 1831.

RESPECTED SIR: Your favor of the 30th May is duly acknowledged, and the contents shall be complied with to the best of my ability, and, I trust, to your satisfaction.

You wish me to state the probable time of their completion. My intention is to finish from seventy-five to one hundred per month. If, however, it is requisite they should be finished with more expedition, I must make other arrangements; of which, you will please advise me.

You state the barrels are to be "three feet four, and an half inch *in the bore*: meaning, I presume, exclusive of the space occupied by the breach, which is about an half inch, which would make the full length of the barrel three feet five inches. I think, sir, heretofore there was a variation of from one to two inches in the length of the barrels. However, whatever your instructions, shall be cheerfully complied with.

Very respectfully,

Your obedient servant,

GEO. W. TRYON.

SAMUEL S. HAMILTON,

Department of War, office Indian Affairs.

SUPERINTENDENCY OF INDIAN AFFAIRS AT ST. LOUIS,
June 6, 1831.

SIR: My bill of exchange, of this date, in favor of *Henry S. Coxe*, esquire, cashier of the Branch of the United States Bank at St. Louis, or order, for *thirty-three thousand seven hundred and twenty dollars*, is for that amount received of him; and which, when paid, will be charged to me, under the appropriation of the 2d of March, 1831, for carrying into effect the supplementary article (of the 24th September, 1829,) to the Delaware treaty, viz.:

For furnishing forty horses,	-	-	-	-	\$1,600 00
For the expenses of six wagons and ox teams, to assist the Delawares in removing,	-	-	-	-	1,620 00
For the farming utensils and tools for building houses for the Delawares,	-	-	-	-	4,000 00
For provisions for the Delawares on their journey, and after their removal to their new country,	-	-	-	-	22,500 00
For building a grist and saw mill for them,	-	-	-	-	3,000 00
For the payment of the permanent annuities to the Delawares, for 1831,	-	-	-	-	1,000 00
					\$33,720 00

I have the honor to be,
With high respect,
Your most obedient servant,

WM. CLARK.

The Hon. JOHN H. EATON,
Secretary of War.

CREEK AGENCY, June 7, 1831.

SIR: The Treasurer of the United States has forwarded to me a warrant on the Branch Bank of the United States, at Savannah, for the Creek annuity for the present year.

It is proper that I should apprise you of some circumstances connected with this subject, and ask of you some additional instructions in relation thereto. There are ascertained and liquidated claims against the annuity (some of which are of several years standing) to the amount of sixteen thousand dollars and upwards, in the form of orders or drafts, drawn by the chiefs on the agent, and made payable to the respective claimants; and, in addition to claims of this description, the nation have employed seven blacksmiths, for the use of the nation; the pay of which, including the iron and steel they work up, amount to at least seven thousand dollars more; which, added to the liquidated claims, will amount to upwards of twenty thousand dollars, not to say any thing about other claims, which will no doubt be presented to the council for payment; which will leave but a small balance to be distributed. Under this view of the subject, I respectfully suggest that the chiefs be convened as heretofore has been the practice, and such balance as may remain after the debts are paid, be distributed to the towns, as heretofore; this would save to the Government a heavy expense, which would necessarily accrue in the other mode of distribution.

Should these suggestions not meet your approbation, it will be necessary,

in order to enable me to comply with your instructions of the 18th of June, 1830, in relation to the mode of distribution there pointed out, that the census be first taken, to ascertain each one's proportion, or call together the nation at a given point. Again, I am directed by the Second Comptroller to make the payments to each individual in specie, and several other requirements, which is almost impossible to do. The transportation, and other expenses, attending this mode of distribution, will, I am persuaded, exceed fifteen thousand dollars.

Mr. Hamilton states to me that \$3,500 are retained of the annuity on the authority of the Second Auditor, to make good two drafts, drawn by the chief; one to Colonel Brearley, for \$2,000; and one to Hawkins, for \$1,500. I apprehend the Second Auditor labors under a mistake, in charging to the annuity of this nation those drafts; they were drawn by the chiefs of the western Creeks, and are chargeable to their portion of the annuity. Colonel Brearley, who, I presume, is now in the city, can satisfy you on this point. Please instruct me on the different points of duty connected with this subject, in order that I may be able to make the explanations to the chiefs, as well as to be prepared to discharge the duties, in every particular, to the entire satisfaction of your department.

I have the honor to be,

Your obedient servant,

JNO. CROWELL,
Agent for Indian Affairs.

HON. SECRETARY OF WAR.

CHICKASAW AGENCY, June 10, 1831.

SIR: Enclosed I send you an address of the chiefs and head-men of the Chickasaw nation, addressed to the President of the United States.

It is the result of two councils; the first was held at the King's, near the centre of the nation, some time since, and the last at this place, which commenced on the 23d of May, and closed on the 30th. The old chiefs were all present, except Samuel Sealy, with the greater part of the young chiefs, and many of the warriors.

The address to the President is the result of their own minds, without any interference on my part. With respect to that part of the address which speaks of the examination of the Choctaw country, and the attempt to purchase a part for their people, you will see fully explained, by a reference to the report of Colonel Gaines and myself, of the 29th January last, and that the proposition was made when we had been but a few days on the south side of the Canadian ridge, and before the Choctaw delegation was enabled to judge of the extent and value of their country.

From my own observations, I see that many of the best informed of the Indians look to the extension of the State law over them, as certain to bring misery and degradation upon the common Indian, and that all are to suffer, more or less, by the event; yet I find that the best informed lack energy to enforce their opinions; in fact, it is difficult to point the common Indian to the course which will insure his future happiness and prosperity, while he scarcely notices passing events. I have thought that an invitation by the Choctaws, for the Chickasaws to participate with them in their fine country, would have a good effect.

Netuchache, one of the principal chiefs of the Choctaws, often expressed himself to that effect, as did many others of that delegation, on our return march from the west. I shall set out in a few days for Mobile, and will see Colonel Gaines, who, I find by a letter just received from him, is now in the Choctaw nation; and I hope we shall be able to learn something of the feelings of the Choctaw people upon those subjects. I expect to pay the annuity before my return to the agency, which I hope to be able to effect by the last of July.

I have the honor to be,

With great respect,

Your obedient servant,

BENJ. REYNOLDS.

Hon. JOHN H. EATON,
Secretary of War, Washington.

CHICKASAW AGENCY, *May 28, 1831.*

FATHER: Agreeably to a treaty, held at Franklin, (Tenn.,) in 1830, between the Hon. John H. Eaton and General John Coffee, commissioners, &c., and delegation of your Chickasaw children, a delegation was selected, by the nation, who proceeded, under the guidance and care of our agent, in search of a country and a home west of the Mississippi river; we travelled westwardly through the Territory of Arkansas, and through the Cherokee country, and saw a small portion of the Creek country. We then travelled south and west, giving to the country on the Canadian, the Red river, and their tributary streams, as thorough an examination as the unusual cold winter would admit.

Father: we met a delegation of our Choctaw brethren under the care of their friend, Colonel George S. Gaines, on the South Fork of the Canadian. We travelled with them over their country, and after becoming satisfied as to its extent and quality, we saw not more good lands than what we thought they would want themselves; notwithstanding, we proposed to purchase a part for our people. They refused to sell, and said that they had not more good lands than they wanted, and would not sell one foot.

Father: it is our wish and hope to preserve our independence, our nation, and our names, to latest generation; and for this purpose, and in order that we might become as extensively acquainted with the country west of Arkansas as possible, we petitioned our agent to permit a portion of our delegation to cross the Red river, and examine a portion of the Texas country, which was granted; and our agent gave us his purse and all the means in his power to make our journey comfortable, and to afford us protection. Accordingly, five of us in number proceeded across Red river, not far above where the east boundary of the Choctaw country strikes the Red river, and proceeded to examine the country between the Red and Sabbeen rivers. This country we are well pleased with.

Father: the tract of country which we explored south of Red river, lies along side of our Choctaw brothers, and between the Red and Sabbeen rivers, and adjoining the west boundary of the State of Louisiana, from river to river. If that country can be procured for us, our nation will remove and be satisfied. We see no other country which we think would suit us so well.

Father: we hope that you will not think that your Chickasaw children are disposed to remove beyond your control and protecting care. We love our white brethren, and have been a happy people under your care and protection until of late; the State of Mississippi has extended her laws over us, and we are threatened, and looking for the same fate from Alabama.

Father: we are told that the laws of those States are written in more than a hundred big books. We cannot read; we cannot understand them; and although we love our white brethren, we cannot see, in the extension of their State laws over us, any thing but injustice and oppression. We have been taught to look to the east from the days of our great and beloved father, General Washington, to the days of our great and beloved father, General Jackson, for protection. We have not lost confidence, but will wait with patience for the country which our brothers, Major Eaton and General Coffee, promised us; which is to be equal, in extent, to the one we now occupy, with water, soil, and timber, sufficient for all the purposes of the Chickasaw people.

Father: we have ever been true and faithful to all treaties that have been entered into by our nation; and we still have confidence in our father, the President, that when he said that we are anxious to comply with the late treaty, that he will not see his Chickasaw children brought under State laws which we cannot understand.

Your red children are now oppressed by new laws and customs, executed by white officers, whose words we do not understand. You have told us, father, that if we remain where we are you cannot prevent this state of things.

Father: we know that you speak not with a forked tongue. You have told us that you wished to see your Chickasaw children prosperous and happy; we know that we cannot be so under the existing state of things; and our only hope is, that you will provide a home for us beyond the reach of the white man's laws, where we can again be happy and free in the enjoyment of our own laws and customs, and under the protecting care of our father, the President of the United States.

Father: some of our people are dissatisfied, and wish to remain at their old home, and think that injustice has been done them; we would, therefore, respectfully ask that the following clause and provisions be added to the treaty:

First. That each family who may remain shall be entitled to a reservation of a section and a half of land.

Second. Each emigrant, whose improvements have added value to his occupancy, to receive in money such valuation from the Government, in addition to the sum which he is to receive for his reservation.

Father: we, your Chickasaw children, being anxious to see our father, the President, we therefore respectfully ask permission for a delegation of our people to visit Washington city at your next session of Congress. Accept, father, the fervent wishes of your Chickasaw children for your health, and a continuation of your useful labors for your country.

With great respect,

Your dutiful children,

OTO-CHO, *the King,*

FISH, *a Mingo,*

Maj. LEVI COLBERT,

Col. GEO. COLBERT,

his x mark.

x

x

x

Capt. WM. McGILVERY,	his x mark.
Capt. SAMUEL SEALY,	x
MINGO PUSH-CUSH,	x
PIS-TO-LO-TUBBE,	x
ESH-STIMO-BUT CHA,	x
Capt. JAMES BROWN,	x
Capt. ISAAC ALBERSON,	x
TO-CO-WAH,	x
ISH-STA-A-TUBBE,	x
BANK-A-TUBBE,	x
Capt. THOMAS SEALY,	x
OHE-LE-NAH-UBBE,	x
OHE-HE-HE-NUBBE,	x
MA-HO-LA-TUBBE,	x
MAH-TEI-CHO-UBBE,	x
PHO-LO-TE-SHO,	x
CHO-WATTA-HA,	x
ELASH-SHA-NUBBE,	x
OHE-CUBBE,	x
NEWBERRY-SOU,	x
POH-LAH-MO-TUBBE,	x
BAH-ME-AH-TUBBE,	x
Captain THOMPSON,	x
ANE-TA-HI-A-KA-TUBBE,	x
AH-TA-KIN-TUBBE,	x
LEWIS, or PISTO-LA-UBBE,	x
E-BAH-ME-HUBBE,	x
ASH-SHAH-CUBBE, jr.,	x
E-HIEH-A-SAN-NOH-UBBE,	x
AH-HE-ME-TUBBE,	x
J. KEMP,	x
J. W. LISH,	
JOHN GLOVER,	x
PITMAN COLBERT,	x
Captain HAYS,	x

Signed in full council of the chiefs and warriors of the Chickasaw nation,
at the Chickasaw Agency, this 29th of May, 1831, in presence of

BENJAMIN REYNOLDS, *United States' Agent.*

JOHN L. ALLEN, *United States' Sub-agent.*

W. D. KING, *of Alabama.*

ROBERTSON CHILDRESS, *of Tennessee.*

To our Father, Gen. JACKSON.

INDIAN AGENCY, COLUMBUS, OHIO, June 12, 1831.

DEAR SIR: I have, as directed, had an interview with the Seneca chiefs respecting their removal; and, after two days deliberation on the subject, they fixed on roasting-ear time, which will be about the middle or latter part of August.

As it respects the six thousand dollars, the chiefs say it was their understanding that they were to receive it before they left the country; and indeed

I do not know what they are to do, if the whole or a part of it is not shortly paid to them; for it is a truth, that the greater part of the tribe is at this time entirely destitute of provisions, and almost so as it respects clothing; and, besides, they are deeply in debt; and if they do not, in some way, receive aid from the Government I know not what is to become of them, as they will be much harassed by their creditors. It is understood that the department intends to remove the Senecas by water, which is certainly the better way. Some difference of opinion prevails as it regards the Indians taking their horses with them; my own is that they had better take all their best and dispose of their old broken down horses. Although horses may be plenty and cheap in the west, still it will take time and a considerable sum of money to purchase the number required to answer the demand of the tribe. Many of the Indians are acquainted with the route, and eight or ten of their young men can easily take the horses of the whole band by land, and that at little or no expense to the Government. If they are permitted to dispose of their horses, they will get but little for them; and that little will be in some kind of trinkets, and perhaps some money, which will do them no good.

I am waiting with great anxiety to receive the Indian annuity, and funds to discharge the demands against the agency; and as soon as they arrive I will forthwith close the whole concern as speedily as possible, in order to be ready to attend to the removal of the Senecas, and to assist Mr. Gardiner to carry into effect the views of the Government respecting the other tribes.

On my return from Seneca I received assurances from Gov. Cass that funds for the above object would shortly be forwarded. No funds have been received by me during the present year; and the daily expectation, since the first of last month, of receiving funds to meet the current expenses of the agency, has prevented me from making my quarterly report, as required by law; but, on the arrival of funds, the expenses of the first and second quarter of the year shall promptly be reported, which expenses will not vary much from my report at the commencement of each quarter.

* * * * *

After I left the Seneca chiefs, their sub-agent forwarded to me their enclosed address to the Secretary of War. They done so because I gave them no encouragement that any money would be paid to them before they left the country. If it is thought best, under existing circumstances, to pay them any money before they remove, if entrusted to me, I will see that every cent of it is properly expended towards paying their debts, furnishing them with some provisions, clothing, &c.

Any orders that the department may think proper to give, respecting the removal of the Senecas, shall strictly be obeyed.

I am, very respectfully,

Your most obedient servant,

JOHN McELVAIN,

Indian Agent.

To Col. S. S. HAMILTON.

IN COUNCIL, *June 7, 1831.*

FATHER: Your Seneca children again ask you to open your ears to them. Our talk will not be troublesome; it is short, but of much importance to us.

You have informed us, through Col. McElvain, our principal agent, that

the six thousand dollars agreed to be given in lieu of our improvements will not be paid to us until after we get to our new home west of the Mississippi.

Father: if it is not paid here, we shall be placed in a miserable situation.

The amount which will be received for the sale of our personal property will not be more than sufficient to furnish us with comfortable clothing for our journey. How, then, are our debts to be paid? We confidently expected to receive the six thousand dollars here immediately, and intended to apply a part of it in furnishing provisions for our almost starving families; and, as we wish not to have the finger of any white man pointed at us when we are ready to start, saying, there goes a scoundrel that owes me, we intend also to pay our just debts. We are told, too, by the whites that they will not let us go unless we pay them; that they will take our property and imprison us.

Father: you have it in your power to relieve us, and we think your goodness will prompt you to do so; we shall then be comfortable and happy.

Father: if you will agree to pay us here, we assure you that we will act prudently with our money, and take all that is requisite to begin improvements with when we get beyond the Mississippi. We request our father to answer us soon.

Your Seneca children ask the Great Spirit to preserve your life and health.

This is our talk.

CORNSTICK,	his x mark.
SMALL CLOUD SPICER,	x
SENECA STEEL,	x
HARD HICKORY,	x
Capt. GOODHUNTER,	x
HENRY C. BRISH,	
<i>Sub Indian Agent.</i>	

Hon. JOHN H. EATON,
Secretary of War.

CHOCTAW AGENCY, June 15, 1831.

SIR: I have the honor to enclose to you two papers made up at a council held near this place.

You will readily perceive the object of these petitions. The request respecting the opening of a road from this place to the mouth of Arkansas river, will be of great public benefit to a great portion of the inhabitants of Alabama, as many people are daily passing by this place, exploring the Mississippi river lands; also, the road when opened will benefit the surveyors.

I will remark that most of the Indians who have large stocks of cattle are desirous that the Government may have them driven over the Mississippi in place of a new stock. It will be a saving to Government to pay the young men who know the cattle, and are intrusted to drive them, as it is believed there will be but little difficulty in crossing the river and swamps in the fall. The Indians request me to say to you that they wish to remove this fall, when the waters are low and swamps dry.

I have the honor to be,

Respectfully, your obedient servant,

W. WARD,

Agent C. Nation.

The Hon. SECRETARY OF WAR.

ORIBY COUNCIL-HOUSE, *June 14, 1831.*

We, the undersigned, of the Choctaw nation, humbly petition the Secretary of War, that he may direct the troops stationed in this nation, to open a road sixty feet wide, sufficient to drive cattle and other stock, as many of us wish our own cattle to be driven to our new home beyond the Mississippi; said road to lead from the great mail or Robinson road, to the Yazoo river, near Leflore's; from thence, through the swamp, to some point near the mouth of the Arkansas, on the Mississippi river.

Done in full council this day above written.

MUSHULATUBBE, his x mark.
 NETUCHACHE, his x mark.
 DAVID FOLSOM.
 JOEL H. NAIL.
 GEO. W. HARKINS, his x mark.
 JOHN GARLAND, his x mark.
 P. P. PITCHLYN.
 PIROLE JUZAN.
 NOEL GARDINER.
 HOPIEACHHABE, his x mark.
 HIPISHOMMA, his x mark.
 NAHOMMUSTOBE, his x mark.
 HOSHISHICURTAHA, his x mark.
 ROBERT FOLSOM, his x mark.
 COOPER, his x mark.

Test: M. MACKEY, *U. S. Interpreter.*

CHOCTAW AGENCY, *June 15, 1831.*

We, the undersigned chiefs and head-men of the Choctaw nation; do request that the Secretary of War may direct the agent not to pay any more of our moneys to any missionary, as we wish the sum of six thousand dollars for other purposes. We will add further, that we were promised by the commissioners who negotiated the late treaty, that the missionaries should not receive any more of our money.

Neither do we wish for any of the present missionaries to go with us beyond the Mississippi; and Doctor Talley, who has already settled on our land, may be ordered out. The money we wish Alexander McCown to be paid out of the annuity, is the sum of eleven hundred and ninety-eight dollars, for goods furnished the northeast district.

Capt. RED CEDAR, his x mark.
 Capt. MOCKESTUBEE, his x mark.
 Capt. HITCHLEY, his x mark.
 Capt. HONEHESTIKABEE, his x mark.
 Capt. HAHIAHHOMAH, his x mark.
 Mingo MUSHULATUBBE, his x mark.
 Mingo NETUCHACHE, his x mark.
 Capt. AHOLABBEE, his x mark.
 Capt. PESTAMBE, his x mark.
 Capt. JOSEPH KINCAID, his x mark.

Capt. HOHIANCHAHABBEE, his x mark.

Capt. HOPIESTONOCKE, his x mark.

Capt. TESKEOLAHTAH, his x mark.

Capt. ON-ABBEE, his x mark.

Test: M. MACKEY, *U. S. Interpreter.*

CHICKASAW AGENCY, *June 15, 1831.*

SIR: Enclosed is the abstract and vouchers of the expenses of the late Chickasaw exploring delegation under my care, showing what has been expended on account of outfit, travelling expenses, and advances on account of their daily pay, with an estimate of what is due on account of that service. If any error has crept into the account, the loss of some of my papers on the trip, and the numerous difficulties which I had to combat in the performance of that service, must plead my apology.

You will see by the account marked A, that three of the Chickasaws accompanied me more than was stipulated for by the treaty of Franklin; leaving this part at Memphis, Tennessee, where I met the delegation, I remonstrated with Major Colbert against their accompanying us, and observed that I feared they would not be paid. He insisted that the nation had appointed them in full council of the whole people, and to them it was a matter of great importance; and he hoped, as his great father, the President, was rich, he would not object to so small an additional expense, when it was hoped that some good might result from it to his red children, and to avoid all unpleasant feelings, and particularly in the outset of the service, I have treated them, in all respects, as a part of the delegation, and their accounts are herewith respectfully transmitted, with the rest, for your decision.

Elaptinkbahtubbe, No. 2, was carried by Major Colbert, on account that he had long lived in the country west of Arkansas, and among the Pawnees and other wild tribes of the west, and spoke the tongue of the Pawnees. Henry Love, No. 15, half-breed, left me at Cantonment Gibson, without my knowledge or consent. Kinhieche, No. 16, a young chief of promise, was taken sick at St. Francis river, and returned the third day after leaving Memphis, Tennessee. Major Colbert and Sheemacha, Nos. 1 and 8, the two principal chiefs that crossed the Red river, were one month behind the party which returned with me, say until the 27th of March, and which is not charged in their accounts; but, for which, they respectfully ask pay.

They returned by water from Nachitoches on Red river, leaving Nos. 3, 9, and 11, in charge of their horses, and who have not yet returned, but are daily expected. I shall set out this day for Mobile for the annuity.

I have the honor to be,

With great respect,

Your obedient servant,

BENJAMIN REYNOLDS.

United States' Agent.

Honorable JOHN H. EATON,

Secretary of War, Washington City.

CHOCTAW NATION, *June 16, 1831.*

FRIEND AND BROTHER: We take the liberty to write to you in our own names, as we believe that you will receive a few lines from us, your red

brothers. We wish to let you know that one of us, say Netuchache, has been to see our land west of the Mississippi, and are fully satisfied with our bargain, as made by treaty with Messrs. Eaton and Coffee. We are now ready to remove, and give up our country here, and comply with all the conditions of the treaty. Now, we request that you will, on your part, as soon as is convenient, comply with all the provisions named in the treaty. In the first place, we were promised good and faithful persons to take care of our old men and women. Now, our old agent says he will never go beyond the Mississippi, and we wish you to appoint George S. Gaines to conduct us to our new homes. Also, we wish the guns to be given to our warriors at the place they may cross the Mississippi river. Also, our cattle, as many as can be driven, that may desire it. We wish that arrangements may be immediately made respecting providing for our journey. It seems to us right that the agent might let all those people, who were entitled to land under the cultivation provision of the treaty, enter their names now, as some were neglected, and the time has expired, and Col. Ward thinks he is not at liberty to make further entries after the first of January. We wish you to give us directions about this matter; also your general views on the different parts of the treaty. It appears that but few clearly understand some parts of the treaty; and we want every thing right. We can sell our claims to the white people, but some difficulty is about the President approving of the sales. We think that more than one half the nation will go off this fall, if they can get away before the cold weather. We wish you to send Netuchache a medal, and small ones for each captain who is to have a sword. Also, three larger for each speaker to the districts. We have agreed that Col. Leflore's district is to settle on the east side of Micquibisher, Netuchache on the west side, and Mushulatubbe on the Arkansas river. The Secretary of War promised Netuchache a sword, which he expects. It appears that more of us will go all the way by land, if we can get off in time before the water rises. It is expected that some of us will furnish our own provisions; in that case, we expect that the United States will allow us pay as much as it would cost Government. Twelve of the ninety-nine medals we wish one size larger than the balance. It is the understanding that all the captains in the southern district wish that Mingo Netuchache may continue their chief beyond the Mississippi as well as in this country; and desire the officers of the United States may acknowledge him as such. We wish to know the reasons for your giving the agent directions that our annuity transportation is to be paid by us, and not as heretofore. We wish goods, and have given orders to Mr. Gaines to purchase them, which he has done, and will give them to us as soon as corn is ripe and the agent gets the money to pay for them. We wish the Government may furnish us with the blacksmiths this fall in our new country, as we shall need much work for our farms. We must raise corn and not depend on hunting, as we are accustomed to live like white people, and cannot live by hunting wild game. We find, upon counting up the names registered in the agent's book, there are fifty-three short of the sixteen hundred provided for by the cultivation provision in the treaty, which we wish to have the right to fill up the whole number.

We wish, also, for you to furnish us tents.

We have the honor to remain,

Your friends and brothers,

MUSHULATUBBE, his x mark.

NETUCHACHE, his x mark.

Mingo MUSHULATUBBE, his x mark.
 Mingo NETUCHACHE, his x mark.
 Capt. HOPIANCHAHUBBE, his x mark.

Test: M. MACKEY, *U. S. Interpreter.*

Honorable SECRETARY OF WAR.

PHILADELPHIA, *June 18, 1831.*

RESPECTED SIR: I have just received your letter of the 16th. You state it will be desirable to have all the rifles ready by the 1st of September next, which would leave me but about three months for the completion of my whole contract, which, I believe, out of the power of any manufacturing establishment in the Union, that is, for the commencement of a contract. However I will do my utmost to have them finished at the earliest possible time, and trust I will be enabled to give satisfaction.

Very respectfully,

Your obedient servant,

GEORGE W. TRYON.

Col. SAMUEL S. HAMILTON,

Department of War, office Indian Affairs.

CHOCTAW NATION, *June 18, 1831.*

FRIEND AND BROTHER: I have had the honor of receiving your kind favor yesterday, with the treaty enclosed in it, which I am very thankful to you for furnishing me with a copy. In perusing the treaty carefully, I was more than astonished to find that my father's name was not in the supplement, (which is Nathaniel Folsom.) I am confident that his name was called at the treaty ground in my presence, stating that he was entitled to one section. If his name was not called, I should have certainly made it known to you; but from some unknown cause I find that he has been deprived of his one section of land, as I see that his name is not in the supplement which you have sent me. I saw a copy of the supplement some time ago that Col. Ward, the agent, had received from you, and there I found that my father's name was put Nathaniel Holston, when it should have been Nathaniel Folsom; but now it seems that Nathaniel Holston is not in the supplement which I have received from you. I hope and trust that you will rectify the mistake which has been made, so that he may be entitled to the section which was given to him at the treaty ground.

I will now inform you that I should have sent my two sons to the La Grange College, had I not been informed, just at the time I received your letter, dated December 2, 1830, that the teacher at La Grange had quit and gone, and that it would be some time before the school would go into operation again; and, therefore, I concluded that I would send them to Columbia, and have done so. I was under the impression, when I sent them, that it would not make any material difference with you; but if you are not disposed to pay for their tuition where they are now, I hope you will let me know immediately, and I will remove them to La Grange College.

I have received a letter from the teacher at Columbia, where my sons are, that he wishes me to draw the money from the Government, and then for-

ward it on to him. I wish you to write to me and let me know whether I could be permitted to do so.

I remain your friend and brother.

DAVID FOLSOM.

To the Honorable JOHN H. EATON.

TUSCALOOSA, *June 18, 1831.*

SIR: I have this morning parted with George S. Gaines, esq., and from a full conversation had with him, I deem it my duty, under the instructions given, to suggest to the department the propriety of inviting Mr. Gaines to accompany the Indians from the east side of the river to their new homes. At the treaty it was understood he should go along to see justice done them, and to prevent them from being forced, or rashly pushed, as they say, through the mud; he does not wish to go, but says, he feels bound to do so, if invited, provided he can without too great a sacrifice. He says what is true, that even if he could not go, that the Indians then would not blame the Government; without it a bad effect might be produced. The Indians have been writing Mr. Gaines to know if he will go with them or not. Every thing that has been done is approved of by Mr. Gaines, as to all the preparatory arrangements. But he fears that without him, or unless it is offered on the part of the Government, they will not go, at least, not so well satisfied. In this Mr. Gaines is too honest for any thing of self, as he does not wish or intend to be their agent at their new homes.

I offer this suggestion, with due deference, for the consideration of the department. If approved of, would it not be well for the agent to inform the Indians, through their chiefs, that Mr. Gaines had been invited to accompany them agreeably to the verbal understanding of the treaty, and that he would take up the line of march the 1st of September; and that he would see that good sound rations were furnished them, and that every attention should be paid to their comforts, and that he was going, on the part of the Indians, without having any labor to perform for the Government. He would keep peace; it would have a good effect with the other tribes, and have a tendency to keep down groundless clamor from those opposed to their emigration.

I have this moment parted with Senator King; he agrees with me as to the propriety of this course; and says, in a few days he will drop a line to the President. If approved, the sooner the order is given the agent the better. I will enter on my duties in two days. Fitting out at the Factory.

I have, &c.,

F. W. ARMSTRONG.

Hon. JOHN H. EATON,
Secretary of War.

NASHVILLE, *June 19, 1831.*

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, enclosing a copy of the Choctaw treaty, and appointing me an assistant to aid Major Armstrong "to ascertain the improvements of the Indians actually in cultivation last year, as required by the 19th article of

the treaty;" and directing me, in case of my acceptance, to report myself to Major Armstrong, who, you inform me, will pass through Nashville on his way to the nation, and who will give me special instructions on being shown your letter, &c. I accept the appointment so kindly tendered me, with an assurance that I will forthwith report myself to Major Armstrong, who, I learn from his brother, Colonel R. Armstrong, is now in the nation. I will set out on Wednesday next to the nation, hoping I shall soon be able to find and obtain from him my instructions; so that I may without delay enter on the duties that may be assigned me, which, rest assured, shall be faithfully and promptly performed.

I am, dear sir, with great respect,

Your friend and most obedient servant,

ARCHIBALD LYTLE.

Honorable JOHN H. EATON,

Secretary of War.

TIFFIN, OHIO, *June 19, 1831.*

DEAR SIR: I returned late last evening from a long and extremely fatiguing tour among the Shawnees, at Waupaghkonetta, and am *compelled* to start early to-morrow morning to meet an appointment with the Ottaways, at Maumee.

I have now only time to acknowledge the receipt of yours of the 4th instant, which was highly satisfactory. On my return from Maumee, I design to forward to the department a detailed account of my operations up to that time. I have the pleasure to assure you that my success so far has been equal to my anticipations.

With sentiments of very sincere respect and esteem,

I have the honor to be,

Your most obedient servant,

J. B. GARDINER.

Colonel S. S. HAMILTON.

EXECUTIVE DEPARTMENT, GEORGIA,

Milledgeville, June 20, 1831.

SIR: Circumstances have enabled me to collect much information as to the present temper and designs, and probable course of the Cherokees. The great interest felt by the people of this state in having them removed from its limits, and the contract of 1802 finally executed, has induced me to communicate directly to the President so much of that information as may possibly be useful to him in his endeavors to effect that object. Strong hopes were at one time entertained, that if the decision of the Supreme Court should be against the application of the Cherokees for a writ of injunction to stay the jurisdiction of Georgia, that they would immediately treat with the United States for an extinguishment of their present occupant rights.

It is known that previous to that decision, and during the pendency of the case before the Supreme Court, all classes had expressed their belief that such would be the course pursued by them. These hopes have, however, proved illusory. Since that decision, the wealthy and influential half-breed

chiefs have been exceedingly active in persuading the people to continue their present residence, in opposition to the desire of the General Government to extinguish their title, and in defiance of the rights and power of Georgia. These efforts have unfortunately been very successful. This has resulted from the extra-judicial opinions of the Supreme Court in determining that the Cherokees formed a distinct political society, separate from others, and capable of managing its own affairs, and that they were the rightful owners of the soil which they occupied. Meetings of the Indian people have been called in most of their towns, at which the chiefs have used these opinions to convince them that their right of self-government and soil were independent of the United States and Georgia, and would be secured to them through the Supreme Court, and the change (which they represented to be certain) in the administration of the General Government. From all the information I have received, I am satisfied that the President would fail in any immediate efforts he might make to execute the contract of 1802, by treaty with the chiefs; and that the attempt would only expose the Government to their insults, and increase their confidence in the unfortunate measures which they are pursuing. It is most respectfully suggested to the President, that no measure can at present be successfully adopted for the execution of the contract of 1802, except that of inducing individual families and towns to emigrate from this State, by paying them the value for their improvements, or giving them such other advantages as may be found acceptable. And the President is earnestly requested to try the effect of this measure, and as early as possible.

The great body of the common Indians are without wealth or power. Nothing prevents their acquiescence with the offers of the Government to unite them with that part of their tribe on the west of the Mississippi, but their habitual submission to the control of their chiefs, and their inert and listless character. What is said of their strong desire not to be separated from the bones of their fathers, is but the expressions of those whose ancestors' remains are deposited in Europe or the States. The confidence of the common Indians in the rule of their chiefs has been of late impaired by their appropriation of the wealth of the tribe to themselves, their descent from the whites, and the adoption of their manners; and their listlessness of temper in some degree overcome by the fear of unknown evils from the operation of the laws of Georgia. The guard which has been stationed among them has been successful in preventing any trespasses upon the gold mines, in putting a stop to their legislative councils, their courts, the execution of their laws, and in removing all white men from among them disposed to excite their opposition to the Government of the State. The chiefs can no longer prevent the people from enrolling for emigration by the fear of punishment.

It is thought probable that the very attempt to remove the people, by enrolling individuals for emigration, will tend to produce a willingness on the part of the chiefs to treat for the exchange of their lands. They know that, by the removal of the common Indian, they will lose their power, the exclusive possession of their country, and become subjected to the prejudices of a white population, with whom they will be mingled.

I have enclosed to the Secretary of War, with the request that the same may be laid before the President, the copy of a letter just received from Dr. Reese, a respectable gentleman of this State, who has lately returned from a visit to the Cherokees, and whose connexion with some of the

influential half-breed chiefs, has enabled him to acquire an accurate knowledge of the designs of that class of the Indians; and, a correspondence had with the surveyors who have been lately engaged in dividing the country occupied by the Cherokees, into sections and districts, and whose employment led them into a very unreserved intercourse with all classes of the Indians. The opinions expressed by these persons in favor of the plan of removing the Cherokees by enrolling individuals for emigration, rather than by treaty with the chiefs, is confirmed by information derived from various other sources.

The subject is of great importance not only to the peace, prosperity, and quiet of the State, but to the character of its Government. The obstructions which have been thrown in the way of the execution of the contract of 1802; the long continued indifference and neglect of the General Government, and its actual opposition in 1825-6; the constant torrent of abuse which party violence has poured upon the authorities of the State and its people, on account of the measures which have been adopted for the support of its rights of soil and jurisdiction; the influence which that partisan violence is now exercising over the Cherokee chiefs, in inducing them to continue their opposition to the laws of Georgia, and in exciting their expectation that, by a change in the present administration of the General Government, they will be secured in the right of self-government; the conduct of the Chief Justice of the United States, in interfering with the administration of the criminal laws of the State, and the intimation given the Cherokees in the late decision of the Supreme Court that the laws of Georgia were exceedingly oppressive, that the State had neither the right of jurisdiction nor of soil; have all conspired so to irritate the public mind here, that it will be extremely difficult, perhaps impossible, to prevent the Legislature from disposing of all the lands of the State assigned to the Indians for their occupancy, except so much as may be in their immediate possession or required for their support, unless the President shall be enabled, during the present year, to adopt such measures as will give assurance that the Cherokees will be certainly and shortly removed from the State. It is important that the Government of the State should know whether it has become impossible for the United States to execute the contract of 1802, so that its policy in relation to the Cherokees may no longer be influenced by the expectation of that event.

Hitherto, the Indians have neither been compelled to pay taxes nor perform any civil duties. The only operation of the laws since the extension of the jurisdiction of the State over them, has been to protect them from injury by the punishment of crimes, and the removal of the whites, who had been tempted into their country by the attraction of the gold mines. The State is at this time maintaining a guard, at great expense, for the purpose of preventing the exercise of assumed authority on the part of the chiefs, from the expectation that the President would be enabled, during the present year, to succeed in removing the Indians beyond its limits, and the strong disposition felt by its authorities to avoid the adoption of any measures which might have even the appearance of violating the laws of humanity, or the natural rights of the Indians. If the Cherokees are to continue inhabitants of the State, they must be rendered subject to the ordinary operation of the laws with less expense and trouble, and more effectually than heretofore. The State must put an end to even the semblance of a distinct political society among them. It has been hitherto

permitted from the belief that their happiness required it, and that such a state was not inconvenient nor injurious to the rights of Georgia. The agitation which the Indian question has excited throughout our country, and the manner in which it has endangered the most important political rights of the State, renders it necessary that this should be done.

The millions of acres of land which are now of no value, except to add to the gratification of the idle ambition of the chiefs, must be placed in the possession of actual cultivators of the soil, who may be made the instruments for the proper administration of the laws.

It is hoped the President will concur with me in the necessity of making such effort for removing the Cherokees, as will ascertain whether it be practicable at all, by treaty, enrolment for emigration, or any other means.

I trust that the importance of the subject will be my sufficient apology to the President for the manner in which it has been pressed upon his consideration.

With sentiments of the highest consideration,

I remain, most respectfully, yours, &c.,

GEORGE R. GILMER.

ANDREW JACKSON,

President of the United States.

EXECUTIVE DEPARTMENT, GEORGIA,

Milledgeville, June 21, 1831.

SIR: I have directed to be enclosed to you the copy of a letter from Dr. Reese, a gentleman who has lately returned from a visit to the Cherokees, and whose connexion with many of their principal half-breeds has enabled him to learn much of the feelings and designs of the chiefs, and a correspondence with the surveyors who have been employed by this State, in surveying into sections and districts the territory occupied by the Cherokees. These papers, together with the copy of a letter from Colonel Sanford, sent to you a short time ago, you are requested to lay before the President.

I have just addressed a letter to the President, in which I have referred him to these papers, as the evidence (together with what has been derived from many other sources) of the determination of the influential Cherokee chiefs not to treat with the United States for an exchange of lands occupied by their tribe, and urging him to attempt their removal through the emigration of individuals, families, and towns, by offering to pay them the value for their improvements, and giving them such other advantages as may be found sufficient to effect that object. The actual possession of great political power by the chiefs, the extraordinary means which they enjoy of acquiring wealth, together with the strong hopes which have been excited among them through the partisan efforts of the opponents of the present administration, that they can, by resistance to the jurisdiction of Georgia, secure the continuance of these advantages to themselves, will, without doubt, render useless any direct and immediate attempt to treat with them.

These causes do not, however, operate in preventing the removal of the common Indians. If they can be convinced that the country offered to them by the United States has equal or superior advantages to that of their present residence, and the influence of the chiefs over them can be con-

trolled, (as it is believed to be already, in a great degree,) it is hoped that the great body of them may be induced to emigrate.

It is important to Georgia that the United States should ascertain certainly, and as early as possible, whether the contract of 1802 can be executed, that it may no longer be restrained from the adoption of such measures as may be necessary for putting an effectual end at once to the assumption of any political power by the Cherokees within the State, and with it, to the danger which threatens the rights of the State and the peace of the whole country, by the constant agitation of the Indian question.

If the Cherokees are to continue inhabitants of the State, it is not only important to convince them that they do not constitute a distinct political society capable of self-government, but that the State should be prepared to adapt its laws to their peculiar situation, so as to secure to them the rights of humanity and the full enjoyment of all their natural and individual rights.

I should be pleased to know, through you, the measures intended to be pursued by the General Government for the execution of the contract of 1802, and of aiding in their success by any means placed within the control of this department.

Very respectfully, yours, &c.,

GEORGE R. GILMER.

Hon. JOHN H. EATON.

MONTICELLO, *June 8, 1831.*

DEAR SIR: I returned a few days since from the Cherokee nation, where I spent about two weeks; as I passed Hightower, Oothkeloge, Echota, Brainard, to the mouth of Chichemange, where I remained a few days, I saw a good many Cherokees, as black and red Wat Adair, (whom I think you know,) Boudinot, Richard Taylor, McCoy, Waity, and others, of influence. The Adairs and Boudinot talked very freely with me of their affairs. I staid some time at each of their houses; they are very much opposed to removal and treaty, as were all, in fact, that I conversed with—missionary and common Indians; they urge many objections, most of which you know. There is certainly great prejudice against Arkansas with the nation generally; right or wrong, it should be, if possible, removed. I saw three common Indians who had been to Arkansas, and asked them their objections; their account of the country is not so bad as I expected, though they say they do not like it at all. I understand a man, named Bushyhead, (a half breed, I think,) has removed back to the Cherokee nation here from Arkansas this spring. I tried to get his report, and failed, though I saw several persons who talked with him: they state it is unfavorable. I think he stands very fair as a good man, and true in the nation; and I doubt, from all I did learn, if his report is unfavorable. If I am right in my opinion, I think it would be well to get his report, through Col. Sanford, or some other person. The decision of the Supreme Court on the Cherokee question probably, at one time, had made some impression in the nation; but there have been a great many meetings in the nation this spring, at which J. Ross, Ridge, and other leading men attended, and gave talks; the object was principally to satisfy the people about the decision of the court, which Ross, Coody, Boudinot, and others say (and to the Indians, *too*,) it is in their favor, admitting

their undoubted right to occupancy, and stating they were a domestic independent nation, capable of self-government. It has not discouraged the chiefs. J. Ross, Adair tells me, made a speech at Hightower, in which he stated he was not discouraged at their prospects, but that their prospects were brightening; he has great influence in the nation, as have the chiefs generally. Another object of these meetings was to protest against the present mode of paying the annuity, and to get an order signed, which all do, directing the agent to pay the annuity over to their national treasurer. On this subject there was great unanimity. There were several meetings during my stay.

The Georgia guard seems to be the most harassing matter to them. This is felt by the whites only; the common Indians scarcely feel yet the operation of the Georgia laws; they will not run from that, though they complain. It was thought there was some chance of making a treaty with the Cherokees east of Hightower, for their part of the country; and old Mr. Rogers was relied on to come out, and take an active part in the matter. I saw a long letter from him, written by his son, saying he had declined doing any thing in the business, as it would be attended with danger and ruin to his interest and influence in the nation; so unpopular had he ascertained it would be. So that affair for the present is blown up.

Charles Reese travelled with me from Tennessee river down through the Chichamange, Chattigee, and other settlements, for seventy miles, to J. Ross's, by old Ridge's, &c. We stopped at every Indian house, and he interpreted for me. Ross and Ridge were from home: they had gone to a meeting at Turkey town, to give a talk. I staid all night at the principal chief's, where I found Wm. S. Coody, one of the delegates last winter at Washington. I obtained some information from him of their feelings, hopes, and prospects; he is very intelligent; married Ross's step daughter, and is popular. From all that I could learn of their feelings and determinations, I am sorry to inform your excellency that I see but little prospect of making an arrangement with them (to relieve the General and State Governments of this harassing question) at this time.

While in the nation, I procured a copy of the Choctaw treaty, the best ever made by Indians, and explained the liberality of it; of which I convinced some. I told them I had friendly feelings for them; that I did honestly think, and felt it my duty to say to them, they had better remove; that I believed that Georgia would, at the next session of the Legislature, survey and distribute their country among her citizens, without making adequate provisions; told of the exertions of all hands to prevent it last year, and explained to them the proposed provisions for them. Many believed it. I told them they would stand no chance, mixed with the whites; that the President would not interfere with laws of Georgia. I was assured that he was with us, and would give them as good terms as the Choctaw treaty; he considered it was all that humanity and justice demanded. I informed them that if they made no arrangement now, that the President would open an office for emigration, and induce enrolments in every way; and then take the country, in the proportion to the number enrolled, without a treaty; that breaking up in this way was ruin to them, which they admit. This last argument I thought had some effect on them. They have some hopes of the interference of the President, or the Supreme Court, or State court, or Congress, or the defeat of General Jackson, as they say. I tried to persuade them they were illusory. I know you are tired of the subject; I will con-

clude by saying to your excellency, knowing the great interest you take in the matter, and the great firmness you displayed last winter on this subject, together with the reflection that it is an important question, involving, perhaps, the very integrity of our Government, I should have esteemed myself very fortunate, had I been able to have done any thing that would have led to an adjustment of the conflicting interest of Georgia and the Cherokees. I forgot to mention that they intend holding a council this fall at the usual time; I think it is some time in October. It will probably be holden in the Tennessee part of the nation. I was so informed by one of the head-men.

I remain,

With great respect,

Your obedient servant,

D. A. REESE.

His Excellency G. R. GILMER.

EXECUTIVE DEPARTMENT,

Milledgeville, May, 1831.

SIR: I am desirous of procuring from you whatever information your late employment of surveyor among the Cherokees may have enabled you to obtain, as to their present temper and designs, and probable future course.

You are fully aware of the importance of this subject to the happiness of the Indians, the success of the present administration of the general Government, and the peace and quiet of the people, and the character of the State of Georgia. Permit me, therefore to ask of you answers to the following queries.

What effect has the late decision of the Supreme Court had upon the Cherokees?

Are the chiefs now disposed to cede their occupant rights in Georgia?

Are the body of the Indians more or less disposed to do so than their chiefs?

Do the chiefs retain their former influence over the people?

Which would the chiefs and people prefer, ceding the whole of their lands by treaty, or for each individual to receive of the Government the value for his improvements?

What numbers of them have left the State of Georgia, on account of the extension of its jurisdiction over them?

What additional number could probably be induced to remove from Georgia, by the Government paying each individual the value for his improvements?

What effect has the guard had upon them?

Do they now hold councils, pass laws, or hold courts?

What effect has the law, compelling the white men among them to take an oath to support the constitution and laws of the State, had upon their conduct?

Could commissioners now be sent among the Cherokees with any prospect of successfully treating with them for their lands?

Do you know of any person who has the confidence of the Indians, who could be induced to go among them, and inform them fully and correctly of the views of the Government, and their own situation?

Very respectfully, yours, &c.,

GEORGE R. GILMER.

To the SURVEYORS, &c.

MILLEDGEVILLE, *June 1, 1831.*

SIR: I have just received your letter, dated 31st May last, desiring of me information about the Cherokee Indians. As to the present design of the Indians, I think it not fixed: as to their friendship, they are mostly unfriendly. Your queries I will answer as far as I am able. The Indians have appeared unfriendly ever since Coody and Ridge returned from the city of Washington, bringing with them the decision of the Supreme Court. Ross, the only chief I had any conversation with, is very unwilling to remove, or cede his occupancy in Georgia. The body of the Indians in the division I surveyed, I think the most of them would emigrate, if they had the chance. The chiefs retain a great deal of influence over the poor people. I understood from Ross all the chiefs were unwilling to remove; though, if the influence of the chiefs could be destroyed, I think then nearly all of them would go, on some terms or other.

I cannot say which the people would choose—a treaty, or to pay for their improvements, and let them emigrate. If Ross has to go, as he called it, he told me that he would leave the United States, and buy land in the province of Texas. I do not know any thing as to the number of Indians that left the State. I know of some that have gone to Alabama.

As I have said, I think three-fifths of them, in the division I surveyed, would go on any terms.

The Indians appear to be very much alarmed when they see the Georgia guard. As to their holding councils, passing laws, or holding courts, I know of no instance.

I do not know that the law compelling white men to take an oath to support the constitution and laws, has at all altered their conduct. It is true, the chiefs do oppose the missionaries taking the oath.

I do not know whether commissioners at this time could get the Indians to treat, in consequence of the chiefs having so much influence with them.

I cannot recommend any person to you that I know has the confidence of the Indians.

Very respectfully, yours, &c.,

EVANS SHANNON.

His Excellency G. R. GILMER, *Governor.*

MILLEDGEVILLE, *June 1, 1831.*

SIR: Your polite letter of inquiry was yesterday received. A determination to intermingle with the Indians no further than my necessities required, connected with a disposition to execute as speedily as possible the duties assigned me by the State, prevented that intercourse with the tribe which would have enabled me to answer those inquiries more satisfactorily to myself, and with more benefit to the State of Georgia and the General Government. Such information, however, as I have gained, is most cheerfully accorded.

The decision of the Supreme Court has diminished the confidence of the common Indians in their chiefs, and in their advisers and counsellors, and has increased very evidently their disposition to emigrate. The chiefs obstinately persist in the expression of a determination not to treat for the territory. The common Indian is alike indisposed to cede the country by

treaty: he would prefer a valuation of his improvements, and emigrating, because he believes that in the event of the former plan, the consideration will be paid to the chiefs, and that in the latter he will be paid individually for his occupant rights.

I do not believe the chiefs retain their influence with the tribe; and this conviction is induced from conversation had with several of them, and particularly with a common Indian, an intelligent man, named English George, who stated to me, that they had been recently so frequently deceived by their chiefs, particularly Ross and Ridge, that their confidence in them was diminished, and their disposition to emigrate increasing.

I can form no idea what number of Indians left the State of Georgia on account of the extension of its jurisdiction over them. In the course of the survey of the two divisions in which I was engaged, I passed several abandoned farms; whether they had been occupied and abandoned by the Indian or white refugee, I know not.

I believe implicitly, that at least two-thirds of the common Indians would emigrate, if the Government would open the emigrating office. I have formed this opinion from conversations with several of the Indians, and with white men residing among them, and from the further fact, that of the very small portion of ground usually tilled by them, not more than one-half has been planted, or prepared for planting this year.

The happy effects produced by the guards being stationed among the Indians is much more observable in the deportment and demeanor of the half-breed, than among the common Indians; for among the latter, with the exception of the restraint which it produces among them in relation to the mines, they seem to feel that the guards are not placed there to operate upon or to affect them.

Councils have very recently been held at Hickory Log, Pine Log, Tellona and Cottica, and at other places within the limits of this State, and at Mouse town, Tennessee. At these several meetings Ross and Ridge have attended, and have endeavored to satisfy the common Indian, by assuring him that the decision of the Supreme Court was not against them; that he, Ross, would order a council in October next; and that if he was arrested under the laws of Georgia, he could then make a case before the Supreme Court, over which they would entertain jurisdiction; and for the purpose of creating confidence in his declarations, he has to several of them, among others, to Adair, (the one styled Judge Adair,) shown a letter, (an evident forgery,) purporting to have been written by Judge Marshall, in which the judge is represented as regretting the decision which the court was bound to make, in the petition for injunction, and as advising how to make a case which will be sustained.

Those of the white men who have taken the oath, are very unpopular among the half-breeds and chiefs; no such effect is discovered to have been produced among the common Indians. On the contrary, while the chiefs and half-breeds sympathize with, the common Indian seems to rejoice in the embarrassment of the refugee.

I am not acquainted with any person possessing the character and qualifications specified in your last inquiry.

I am, very respectfully, yours, &c.,

THO. MOORE BERRIEN.

His Excellency GEORGE R. GILMER.

LA FAYETTE HALL, MILLEDGEVILLE, *June 3, 1831.*

SIR: Your letter of the 2d instant to me is received; and I hasten to answer it with that candor, truth, and impartiality, which the importance of the subject requires, whether we consider it in relation to the peace, quiet, and character of the people of Georgia, or to the successful operation of the administration of the General Government. The late decision of the Supreme Court, so far as it was and has been represented in its true light and character, has disposed many of the common Indians to emigrate; but Ross, Ridge, and others, are determined, at the expense of all truth, and at the sacrifice of every honest principle, to deceive the nation and keep it in ignorance. They are busily and industriously engaged in calling the people together in their different towns, and declaring to them unequivocally, that the Supreme Court has decided in their favor; and produced, in confirmation of this assertion, letters purporting to be from Judge Marshall himself.

The chiefs are much opposed to a cession of their lands on any terms; but I believe that this operation is predicated and based on a hope, engendered and held out by the false philanthropy and religious enthusiasm of their northern friends, that the Supreme Court will yet interfere, release them from the civil and criminal jurisdiction of Georgia, and restore their former government. Undeceive them in this point, and they will be willing to dispose of all their occupant rights.

A disposition, (so far as this disposition exists,) to cede their lands, is entirely confined to the body of Indians. It is thought that the influence of the chiefs is weakening. An intelligent half-breed informed me, they had so often led the poor Indian from their true interest, that at present their statements were received with considerable distrust and allowance.

In surveying the territory, I saw many fields and huts abandoned, and was informed that they principally belonged to half-breeds and refugees, who had fled to Alabama and Tennessee, to escape the jurisdiction of Georgia. Under the existence of present circumstances, the only practicable mode for Government to adopt, to obtain a cession of land, is to have each improvement valued, and the money paid to the occupant; the Indians are jealous it will be withheld from them, if paid into the hands of their chiefs. I believe that half the nation would emigrate from Georgia, if Government would offer each individual the value of his improvement; and it is also thought that the present moment would be a favorable crisis to make this tender. They are in a miserable condition, almost destitute of every article necessary for the support of existence, and would readily accept a bounty from Government to relieve their urgent necessities.

The guard has produced a good effect in awing the chiefs to an involuntary submission to our laws.

Within the limits of Georgia there are held no councils or courts at this time. In Tennessee, Alabama, and North Carolina, their councils and courts are in regular operation. Ross advises the regular and annular councils to convene at Echota, in November next, in defiance of the authorities of Georgia.

Most of the men of the nation, who have sworn to support the constitution and laws of the State, deport themselves with good demeanor, and are disposed to abide by and enforce them; but even of these there are some refractory servants.

Commissioners in a secret character, who would privately consult the Indians in small parties, and show them their relation to the Government of the State, and the fixed and settled policy of the United States, might effect much by way of a treaty. To operate successfully in this matter, the right of the chiefs should be firmly denied, and not recognized in any shape.

In recommending to you some fit and competent person, in whom the Indians have confidence, for such secret agency, I cannot suggest to your consideration a more appropriate individual than Jacob M. Scudder. He is mild, humane, and confiding, and held in high estimation by the commonalty of Indians.

In conclusion, suffer me to suggest, that Georgia, in the execution of her laws among a people who are, by constitution, incapable of any high degree of mental or moral excellence, should be mild, humane, and forbearing; but with the more intelligent half-breed, who is building up his own fortune on the ruins of his people, she should be firm and unwavering, in order to awaken him to a sense of his duty.

Yours, with great consideration,

IRA E. DUPREE.

His Excellency GEORGE R. GILMER.

MUSCOGEE COUNTY, *June 10, 1831.*

SIR: Yours of the 31st of May came to hand by the due course of mail, in which you requested me to answer a few queries relative to the manner in which the Cherokee Indians stand affected towards Georgia, and what effect the late decision of the Supreme Court has had upon their minds relative to their emigration, &c. In returning you my answer, I must confine my remarks principally to the section of country in which I was principally engaged as a surveyor, as my opportunity for further information was rather limited.

The decision of the Supreme Court has, I believe, had a radical tendency of determining the Indians to move beyond the limits of this State; they express a determination not to live under, nor to submit to her laws. Many are moving beyond our limits to North Carolina, Alabama, and Tennessee, with the express view to evade the laws of Georgia. This I speak of the common Indians; there was but one chief who lived in my section, consequently, I cannot give you a correct statement of their present views on those subjects; the chief that I mentioned above, lived near the North Carolina line, and as soon as he discovered by our survey that he lived in the limits of Georgia, he burnt up his possessions, and moved over to the opposite State. Upon the whole, there is a strong spirit of emigration among those I had an opportunity of conversing with; they manifest a willingness to treat, provided each individual shall receive his proportional part of the stipulated sum himself, from the officers of the general Government. They are violently opposed to its being paid to the chiefs as heretofore; from which circumstance, I judge that the chiefs are losing considerably their influence over the minds of the common Indians.

In obedience to the laws of this State, they hold no councils nor courts, nor pass no laws nor regulations. I believe the time propitious for holding a general treaty.

The late act, requiring white persons in the Cherokee country to take an

oath to support the laws, &c., will eventually be attended with good consequences. A few of the ringleaders have already left the State; those that remain are now quiet, or have taken the oath.

The State guard has had a good effect in keeping order in the gold region, in carrying the laws into effect; and, I have no doubt, tended, in some good degree, to protect the surveyors from insult or injury.

As it regards a fit and proper person to send among them in the character of commissioner, your excellency probably would be the most competent judge; however, were I to choose, I would prefer Doctor David A. Reese, of Monticello. I believe he would have more influence among the Indians, than any other man in the compass of my acquaintance. The Indians are prejudiced against the frontier settlers generally. I should conjecture that some person, who, from his local situation, did not share in their antipathies, would be the best qualified.

Respectfully, yours,

HARDEMAN OWEN.

His Excellency G. R. GILMER.

KNOXVILLE, EAST TENNESSEE, *June 8, 1831.*

SIR: Your communication of the 24th ultimo, containing a number of queries respecting the present temper and designs, and probable future course of the Cherokees, has been the subject of my most respectful attention. Receiving it just as I was entering on a journey, which led me through a part of the Cherokee country, I deemed it more proper to defer an answer until I had passed through their limits, and collected as much additional information on the subject of these queries as possible. With all the information I have been able to collect, however, both as a surveyor and a cursory traveller, I feel unable to answer your queries satisfactorily; but whatever I know and believe on the subject, I respectfully and candidly communicate.

1. Previously to the decision of the Supreme Court, and while the cause was pending before this tribunal, the Cherokees awaited the result with the most confident expectation. They were instructed by their chiefs that the power and authority of the court would effectually arrest the progress of Georgia in subjugating their nation to the dominion of her laws; and that the General Government was so constituted, that any principle recognized, or position assumed by this body, was binding on every other constituted authority. They often spoke of the approaching decision, as that which would make things right, determine their fate, &c. When it was first published, it seems their immediate impression was, that it was given in favor of Georgia, for a general dejection of spirits was manifest, and that sullen gloom which is the consequence of disappointment. The chiefs, however, sufficiently precautions, had an alternative provided. They immediately attempted to lift them from despondency and place their hopes on another event, which, they assert, two years more will certainly accomplish. They have succeeded in diffusing a general belief that Henry Clay will succeed to the Presidency the ensuing term, and that he has already pledged himself to become their deliverer. Ross and his coadjutors have succeeded, also, in convincing many, if not most of the common Indians, that the Supreme Court has made quite such a decision as they wished; that it is now esta-

blished that the Cherokees are a distinct and separate community, capable of making their own laws and governing themselves; that although the President refuses now to restrain the jurisdiction of Georgia, to remove her military forces from their borders, and restore the supremacy of the Cherokee laws and Cherokee chieftains, yet that the decision of the Supreme Court has settled such points as will present the question to the next Congress in an aspect entirely new. In Congress, therefore, and the man whom they expect shortly to see in the Executive chair, they speak with the greatest assurance of finding complete relief, and a triumphant vindication of their rights. Such are the impressions that have been artfully produced to arrest the natural effects of the late decision, and such the delusive hopes by which their designing leaders continue to mislead this unfortunate people.

2. Judging from the great exertions which they use to sustain their people under every defeat and disappointment, and from their own express and positive declarations, the chiefs are not disposed at present to cede their occupant rights in Georgia.

3. The people are, I think, more disposed to cede their occupant rights than their chiefs. Though never heard to murmur against the measures of their chiefs, yet they cannot conceal a degree of inquietude, and, in some instances, have directly intimated a disposition to remove, if the same inducements which were once held out were presented again.

4. How far the former influence of the chiefs extended, I am too ignorant of their history to know; but at present they certainly possess a very considerable sway. Whenever they are spoken of it is in terms of approbation. In the patriotism and integrity of Ross they seem to place the utmost confidence. The ready and implicit manner in which they have received his interpretation of the court's decision, and imbibed the vain hopes of approaching deliverance, is a plain demonstration of his and his fellow chieftain's ascendancy over them. This influence, however, is not equally extended. In the remoter corners of their country, where the intercourse with their leaders is less direct and immediate, they betray less obstinacy and a greater willingness to accede to any equitable proposition of Government.

5. If the chiefs and people were now willing to cede their occupant rights, and the wishes of each family expressed, I think there would be a difference of choice. Though in receiving the value of their respective improvements, the chiefs, possessing more property, would, of course, receive more money; yet, in the event of a treaty, they know from past experience that they easily and covertly augment their distributive shares, giving to each Indian what they might consider a fair value for his improvement, they could retain not only the value of their own, but easily appropriate the entire balance paid in consideration of the whole unimproved country. Until they are reduced to the necessity of ceding the whole country, the chiefs will doubtless manifest a most decided opposition to the method of giving to each man the value of his improvement. They are ambitious of power and authority, as well as fond of accumulating wealth. Any system, then, which gradually depopulates their country, and so contracts their influence as well as closes the avenues of gain, will be promptly and strenuously disapproved. Whenever I have heard the Indian speak on the subject, he expects to consent to emigrate only on condition of receiving from Government the full value of his own improvement; and, indeed, I feel convinced that one

cause of their obstinacy is a belief, generally prevailing, that this system of emigration will not be renewed by the Government, and that the only method of ceding their country now is by treaty.

6. I have not been able to ascertain exactly what number has left the State since the extension of her laws, but believe it to be but small.

7. It is my impression at present that if a fair value for his improvement were offered to each Indian, a large proportion of the more substantial population would remove. In one corner of the nation, where they are more removed from the immediate influence of their chiefs—in another, where, for a length of time, they have been harassed by a gang of lawless depredators, who impoverish them by plundering their stock—and over the whole country, among those who occupy neat and comfortable possessions, and who, in the present state of their public affairs, fear an eventual loss or diminution of property—many, I think, could be induced at present to accept a fair value for their improvements, and remove west of the Mississippi. Besides, an idea prevails among them that there is great inequality in the Arkansas country, both in soil and salubrity; many, apprehending that they are destined eventually to emigrate thither, would be ready to seize the earliest opportunity of exploring the country, and making their selection. On the whole, perhaps one-third of the population in Georgia, or something upwards of two thousand, might be induced on these terms to emigrate.

8. The presence of the Georgia guard among them has made them to feel and speak as if completely subjugated to her power. They speak of quiet submission to their “oppressors,” till the authority of Congress and the President is exerted for their relief. Without this hope to buoy them up, I am persuaded that, regarding the operations of the guard as an earnest of Georgia’s will and power, they would consider their situation intolerable, and soon yield to the propositions of Government.

9. As far as I could learn they now hold no councils prohibited by law, nor pass laws nor hold courts within the limits of Georgia.

10. The Indians consider that the object of Georgia in administering such an oath is not so much to secure obedience to the laws, as, by the nature of its obligations, to drive them to the alternative of leaving the country. They ask, why does Georgia drive the white men from our country? And when answered, to free them from their pernicious counsel and influence, they reply that white men have no influence on their deliberations; and that if, by such a measure, Georgia expects to obtain the country sooner, she will find herself mistaken. Some expressed the highest satisfaction at the expulsion of a class of citizens whom they always deemed intrusive; but in connexion with the ulterior views of the State, as it has reflected on the pride of their own wisdom and independence, I fear the circumstance has contributed to their obstinacy.

11. Determined as they seem to be to await the events of two years more, and animated with the hopes of relief from next Congress, I think commissioners, at present, would be unsuccessful in accomplishing a treaty. By reviving what they call the emigrating system, their numbers would probably decrease gradually, till the chiefs, seeing their people about to be diminished to a handful, would be glad to follow with the remainder, and plant themselves in a country where their influence and authority might again become expanded and substantial.

12. I do not know of any individual who, enjoying the full confidence of the Cherokees, would undertake to promote the views of the Government;

or who, undertaking the task, would not immediately and inevitably become the object of suspicion and distrust. Their jealousy is already on the alert, and they regard the approach of every white man with the most cautious circumspection.

These answers contain the substance of what information I possess on the subject. I should feel a proud satisfaction if they might contribute in the least to the advancement of the wise and really humane measures of your own, or the present administration of the General Government, or to vindicate the character of that State which has generously recognized me as one of her citizens.

With sentiments of profound respect and esteem,

Your excellency's obedient servant,

ALEX. Y. MCGILL.

His Excellency G. R. GILMER.

CHOCTAW AGENCY, *June 21, 1831.*

SIR: Your letters of 21st and 27th ultimo have been received. I had, previous to the receipt of your letter of the 27th, opened a book for all those who wished to register their names under the provision of the 19th article of the late treaty.

I have advised the department the number of acres that were entered by the chiefs, prior to the 1st of January, under the 14th article. All the registers will be returned in due time to the department.

I will observe that there are many more who wished to stay five years than had been expected. There were upwards of two hundred persons from one section of country, applied a few days since at a great council held near this place.

I put them off, as I did believe they were advised to that course by designing men who were always opposed to the treaty; and this, I trust, is the last effort they will be able to make to thwart the views of Government.

I wish to be advised if white persons, heads of Indian families, have the benefit of the five years citizenship and one section of land, &c.; also, where two improvements or residences should be in one hundred yards, or short distance from each other: as these are questions daily asked me.

I have the honor to be,

Very respectfully,

Your most obedient servant,

W. WARD, *Agt. C. N.*

SAMUEL S. HAMILTON, Esq.

ALLEGHANY ARSENAL, PITTSBURGH, *June 23, 1831.*

SIR: I do not understand from your last letter, whether it is your wish to have the contractors for the ploughs, &c., deliver them at this place, or on the Mississippi. Accordingly I shall receive proposals embracing both provisions, and shall thank you for instructions on the subject.

I think it will be quite as well for the United States to inspect and receive the articles here, and transport them ourselves. As to boxing the ploughs, it is a plan never adopted by the manufacturers, and will be attended with considerable additional expense.

The usual method is to take off the handles without taking them apart, and lash, say, ten set together. The beam and irons attached go singly, and the parts will be numbered, so that there will be no difficulty in assembling them.

I would recommend this mode of sending, in preference to that of packing in boxes.

As the season is so far advanced, I presume that if the ploughs shall be delivered *here* between the 1st and 15th September, it will be in time to meet the objects of the department.

Yours, very respectfully,

R. L. BAKER, *Major U. S. Army.*

To Hon. JOHN H. EATON,

Secretary of War.

CANTONMENT GIBSON, *June 24, 1831.*

SIR: I have the honor to enclose, herewith, a list of claims of emigrants for the year's supply of provisions, due under the treaty of 6th May, 1828, which have been filed in my office. It is believed they have not been furnished with any part thereof, and that the contract prices are not mis-stated. These emigrants appear to have been placed under distressing inconvenience, from an existing necessity of procuring supplies for themselves, and the long continued delay of payment.

There are some other emigrants who have claims for a balance of the year's supply of provisions that appears to be due; they also shall be reported with the least delay.

With the highest respect, &c.,

GEO. VASHON,

Agent Cherokees west.

The Hon. SECRETARY OF WAR.

CLARKSVILLE, GEORGIA, *June 25, 1831.*

DEAR SIR: Believing that it is your anxious desire to ameliorate the condition of the Cherokee Indians, and to remove a fruitful source of difficulty and disquiet by removing them west of the Mississippi, I have concluded to address you this communication. From a slight acquaintance with the Indians, and from a more extensive acquaintance with persons resident amongst them, I am induced to believe, that if the means were now afforded to them in an individual capacity, a large portion of them would remove. A more favorable time could not be selected to open emigrating offices amongst them; they have now lost all confidence in their chiefs, who have heretofore assured them that Congress and the Supreme Court would sustain them in their pretensions to a distinct independent government. But Congress and the Supreme Court having failed to do so, they have come to the correct conclusion that their chiefs are keeping them here for their own personal aggrandizement. Many of them are almost in a state of starvation; and, in addition to this, the operation of the laws of Georgia over them have induced them to come to the conclusion that your advice to them to emigrate is their true interest. I have been informed by many persons who claim

to be natives of the nation, (and whose respectability entitle them to great weight,) that if there were emigrating offices opened, the larger portion of the tribe would immediately enrol and emigrate. Believing that this information may be of some service to you, I have thought it my duty to communicate it to you.

I am, sir, respectfully, yours,

THOMAS J. RUSK.

General ANDREW JACKSON.

EXECUTIVE DEPARTMENT, GEORGIA,

Milledgeville, June, 28, 1831.

SIR: Believing that Dr. Reese had the means of ascertaining the feelings and designs of the Cherokee chiefs with more accuracy than any other individual, whose information could be obtained by the Government, I have, since receiving his letter of the 8th instant, (a copy of which has been sent you) again written him, desiring his opinions fully upon some matters connected with the removal of the Cherokees. His answer is enclosed, with the request that you will give it the same disposition with the other papers, which have been communicated upon the same subject.

Very respectfully, yours, &c.,

GEORGE R. GILMER.

The Hon. JOHN H. EATON.

MONTICELLO, *June 22, 1831.*

SIR: I received your favor of the 17th by Colonel Jordan, requesting my opinion more fully on some matters connected with the removal of the Cherokees. From the present feelings and views of the Indians, I doubt whether at this time I could render the Government any essential service; though I need not say to you how much interest I feel in the matter, both as the fate of the Cherokees and the interest of Georgia are involved in the affair. I shall keep up a correspondence with some of them, and shall learn something of their feelings from time to time. The organization of their country under our laws, &c., may make an impression favorable to our views, or the backing out and desertion of some of their missionary friends, (and some of them I know are shy,) would tend to discourage them, and induce them to pursue their true interest, which lies in removal. I understood when in the nation, from some of their most popular chiefs, that whatever arrangement should be made, as regards their lands, no chief would consent to a reserve, or any thing looking like a price. The Cherokees are jealous on this subject, and have suspected a few of their chiefs, and the letter of the Secretary of War, insinuating that they should be approached in that way, has put them on their guard. How far these declarations may be relied on I know not; though I honestly think there are some beyond the reach of the temptation of poverty and pride, and patriotism may sustain others; for men may be patriots, and yet entertain very erroneous views. I think the chiefs would be unwilling to make any arrangement for themselves, or the nation, with, perhaps, a few exceptions. As regards the enrolment of common Indians, I have no doubt some may be induced to enrol, though it would be an unpleasant business; and a man

should travel about and remain in the nation a good portion of his time to find out who to operate on, and become acquainted pretty generally with the common Indians; there should be more than one I think. I saw in the Cherokee Phoenix, next after conversing with the editor, that he said something on the probability of the President sending agents to enrol, and spoke of the ruinous consequences of the system to the Indians as a nation. I thought it might do us good, for I think I convinced him, if a suitable agent were sent, that many would enrol that they did not suspect; and that, in fact, the agent would have many names down; any how not a few. I shall take great pleasure in communicating to you any information either useful or pleasant which I may receive. I shall write to, and receive letters from, the nation occasionally. Be pleased to communicate to me any information you may receive, that it would be proper to communicate to me, or through me to any of those persons with whom you know I confer. I shall take great pleasure in giving you any information that may be in my power, or of co-operating with you in inducing a removal of the Cherokees beyond the Mississippi by any means that may be fair and honorable.

I remain, your excellency's friend, &c., &c.,

D. A. REESE.

His Excellency GEO. R. GILMER.

CHOCTAW AGENCY, *June 29, 1831.*

DEAR SIR: Your letter of instructions, dated the 4th of June, was received on my arrival here yesterday.

I am ready, with every thing complete, to commence the work. William Armstrong will take Mushlatubbe's district, Mr. John Millard will take Netuchache's, and I will go to Colonel Leflore's with Mr. Lytle; I have not heard from him, but presume he will soon join me. The great scarcity of provisions operates hard on us, and what is worse, we learn that the small-pox is among the six towns; if so, and the contagion spreads, it may, for a time, be an insurmountable difficulty. However, rest assured that, if health permits, the work shall and will be well done.

It appears that Leflore's district has as many inhabitants as both the others; and I am, therefore, much pleased at your appointing Mr. Lytle to aid me.

I done myself the honor to write you from Tuscaloosa, on the subject of the removal of the Indians. Mr. Gaines is with me now, and I am still more convinced of the propriety of my suggestions, in reference to him. Since being among the Indians in his company, they feel most deeply interested in his being along with them during their march to their new homes.

I have the honor to be,

Your obedient servant,

F. W. ARMSTRONG.

HON. JOHN H. EATON.

MORGANTON, N. C., *June 30, 1831.*

DEAR SIR: Under instructions from the Secretary of War, the commissioner and surveyor who were appointed to run the Cherokee reservations,

according to the treaties of 1817 and 1819 with the Cherokee Indians, surveyed and laid off for Yonah (alias Big Bear,) 640 acres of land within the bounds of North Carolina, and made out fair plats and certificates thereof in August or September, 1820. A fair plat and certificate of which was filed in the office of the Secretary of War, and, as I am informed, in that office of the department, set apart for the management of Indian affairs, there is a suit now pending in the superior court of law for Burke county, North Carolina, on the trial of which, the plat and certificate of the commissioner and surveyor will be required, unless I produce a copy, properly certified under the seal of the War Office of the United States, that I hope can be obtained at your office. Will you do me the favor to have me a copy forwarded to Morganton, North Carolina, as soon as conveniently can be?

I, not long since, received your letter on the subject of my fees, and wrote to the Indian agent, Colonel Montgomery, and forwarded a copy of your letter, but have received no answer thereto. Has he been removed?

Please favor me with an answer to this as soon as convenient.

Yours, very respectfully,

WM. ROANE.

MR. SAMUEL S. HAMILTON,
Office Indian Affairs.

CREEK AGENCY, June 30, 1831

DEAR SIR: Immediately on the receipt of the treasurer's warrant for the Creek annuity for the present year, I wrote to the Secretary of War, informing him of the large demands against the annuity; after paying off which there would remain but a small balance, and suggested to him the propriety of paying that balance, as heretofore has been the case, instead of distributing it to the individuals, as intended by his letter of the 18th June, 1830; and asked for other and full instructions in relation to the payment and settlement of this year's annuity, but have received no answer. It is important to a correct discharge of that duty, that that communication should be answered. Permit me to call your attention to it, and ask of you the favor to get the letter, and request the acting Secretary to instruct me on the several parts therein stated. Was my last quarter's accounts in such form as will be satisfactory to the Second Comptroller? I ask this thing of you as a friend, and unofficially. Do give me the news of the city. Who is to be Secretary of War?

I am, your friend, &c., &c., &c.,

JNO. CROWELL.

S. S. HAMILTON, Esq.,
Indian Bureau.

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, July 1, 1831.

SIR: I have the honor to transmit to you, herewith, copies of two treaties of peace and friendship, concluded at Cantonment Gibson, between the Western Creeks and Osages, and between the last-named nation and the

Cherokees of Arkansas; together with Mr. Chouteau's report, which has been just received at this office.

I have been verbally informed, by Mr. Chouteau, that the *originals* of those treaties were left at the agency, and will be forwarded to this office immediately on his return to his post.

I have the honor to be,

With high respect,

Your most obedient servant,

WM. CLARK.

The Hon. JOHN H. EATON,
Secretary of War.

St. Louis, June 28, 1831.

SIR: Herewith I have the pleasure of transmitting two treaties of peace and friendship, one of which is between the Osage nation and the Muscogee, or Western Creek Indians, dated the 10th day of May, 1831; the other is between the Osage and the Cherokee nation of Arkansas river, dated 18th May, 1831.

I wrote to you, by express, of the 5th of April last, informing you of the embarrassed situation of the Osage nation caused by depredations committed by them on the property of the Creeks and Cherokees during the winters 1830, '31.

I also informed you of my intention of assembling deputations from the different bands of Osages, and holding a council at Cantonment Gibson, with the view of making compensation to the Creeks and Cherokees for the injury the Osages had done them, and to restore harmony between their respective nations, by entering into treaties of peace and friendship, and guaranteeing to each other, that, hereafter, satisfaction and compensation should be made whenever violence or depredations may be committed on the persons or property of either nation; and, in conformity to your request, it was stipulated, in both treaties, that the military authority of the United States' Government should be authorized to enforce the provisions of the treaties when violated by either party, and at the request of the injured nation.

The time fixed upon to hold the council with the Creeks was the first of May last, but, at the request of the Creeks, the Osages did not reach Cantonment Gibson until the 4th of May. On the 5th, the Creeks and Osages met in council, when the Osages informed them that they had requested the interview for the purpose of making compensation for the various depredations committed by their people on the property of the Creeks; that they were conscious it would be no more than an act of justice to do so. It was true, they said, that, owing to the uncommon severity of the winter, their people, being very poor and without provisions, were induced to destroy the stock and property belonging to the Creeks, and that they were now prepared to receive and admit all claims of the Creeks which they thought might be reasonable and just.

The Creeks, in reply, spoke more in sorrow than in anger: they were willing to forgive the injury, provided the Osages would pay them for the damages they had sustained, as they had no doubt but the severity of the winter, and the distress of the Osages, were the principal causes which induced them to act in the manner they had done. The Osages [admitted]

all the claims of the Creeks; and the head chiefs and braves of Clermont's band, (their band having committed the depredations,) gave an order on me, as their agent, for the pay of the Creeks out of the proportion of the Osage annuity due Clermont's band for 1831, the amount claimed by the Creeks. Having thus rendered satisfaction to the Creeks, a treaty of peace and friendship was entered into between them and the Osages, after which they separated as friends and brothers.

As soon as all difficulties had been arranged between the Osages and Creeks, a council was held with the Cherokees. The Osages addressed the Cherokees in the same spirit of reconciliation as they had done towards the Creeks. The Cherokees presented their accounts against the Osages for losses sustained, during the last winter, through them; which, after examination by the Osages, were admitted to be correct.

The head chiefs and braves of Clermont's band (their band having committed the depredations,) gave an order on me, as their agent, to pay the amount of the claims of the Cherokees out of the proportion of Osage annuity due Clermont's band for the year 1831. They also gave an order on me for one hundred dollars, in favor of the Cherokees, for a mule they had stipulated to pay for in the 3d article of their present treaty.

All claims having been adjusted, the Osages and Cherokees signed the accompanying treaty of peace and friendship; and, by so doing, restored harmony between their respective nations. Previous to this amicable arrangement between the Osages and Cherokees, much excitement existed between the parties, and strong indications of hostile intentions, on the part of the Cherokees towards the Osages, were discovered. Their demands, at first, were of various descriptions, and they appeared to be disposed to throw obstacles in the way of friendly settlement of their differences, by referring to events which were inadmissible and untenable. They, however, finally relinquished all claims except those which were admitted by the Osages.

The conduct of the Osages at these councils, I sincerely hope, will meet with the approbation of yourself, and of the Government of the United States. They were conscious of the enormity of their offences, and were willing to make compensation for the injuries they had inflicted. They however plead, in justification, their extreme poverty and sufferings during the last winter—a season, sir, without parallel, as was well known throughout the United States.

Clermont's band, who were the aggressors, have, therefore, nearly appropriated the whole of the annuity due them for the year 1831. Relying upon the generosity of the United States' Government to take pity upon their forlorn and dependant situation, they were willing to make every sacrifice to preserve peace between them and their neighbors, and thereby preserve the lives of their women and children.

Believing, as I did, that the United States Government would not object to a reasonable present being made to the Osages for their good conduct and their friendly disposition displayed upon the occasion, and with a view to encourage them always to listen to the authorized officers of the United States' Government, in preference to seeking private revenge, I consulted with Colonel M. Arbuckle, commanding officer at Cantonment Gibson, and with Captain G. Vashon, United States' Indian agent for the Cherokees, who agreed with me in opinion, that such a measure would be approved of by the United States' Government. In consequence of which, I did make

them, as I conceive, a moderate present, which gave them great satisfaction ; and I feel confident the account, when presented to Government, will be promptly allowed. All the horses in the hands of the Osages, belonging to the Creeks, Cherokees, Shawnees, and Delawares, were given up to their several owners.

I will submit for your inspection, as soon as possible, the accounts of expenses incurred resulting from these councils, and for the presents made to the Osage Indians, with the view that they may be approved of by the Government as soon as possible.

I have the honor to be,

Your obedient and humble servant,

P. L. CHOUTEAU,

United States' Indian Agent for Osages.

To Gen. WM. CLARK, *Supt. Indian Affairs, St. Louis.*

A treaty of peace, amity and friendship, made and concluded between the Chiefs, Head-men, and Warriors of the Cherokee nation of the Arkansas river, and the Chiefs, Head-men, and Warriors of all the bands of the Osage nation, at Cantonment Gibson, this eighteenth of May, in the year of our Lord eighteen hundred and thirty-one, viz.

Article 1st. The contracting parties solemnly agree and declare that there shall be perfect peace and friendship between them forever as nations. And that all difficulties and differences of every kind whatever shall be considered as finally settled up to this date, pursuant to the arrangement made at this council, and as provided for in the second and third articles of this treaty.

Article 2d. It is agreed, on the part of the Cherokees, to pay to the Osages the estimated value of sixty dollars for each of the thirteen horses heretofore claimed and admitted to be due, and to trust to the liberality of the Government of the United States the ultimate fate of their just claims, not yet provided for, against the Osages, for the depredations committed by the Osages upon the property of the Cherokees prior to the late depredations done on the Neosho.

Article 3d. It is agreed, on the part of the Osages, to pay to the Cherokees the sum of nine hundred twenty-one dollars and twenty-five cents, being the estimated value of the late depredations upon their property, and to pay one hundred dollars, the estimated value of a mule, pursuant to the provisions of their former treaty.

Article 4th. It is further agreed, by the contracting parties, that the Cherokees of Arkansas shall not be held responsible to the Osages in any respect whatever for the conduct of the Cherokees now living upon Red river, or those who may hereafter join them; nor shall the Osages be held responsible to the Cherokees of Arkansas river for any thing that may happen or take place between any of the Cherokees of Red river and the Osages.

Article 5th. Private revenge or satisfaction shall not be taken by any individual of either party; but if the perfect peace which is now intended to be forever established, should hereafter be interrupted by the conduct of any person or persons of either party, by the commission of any murder, any capital offence, then the person or persons so offending shall, upon application to the agent of said party by the agent, or any proper authority of the injured party, be delivered up, within six months thereafter, to the com-

manding officer of Cantonment Gibson, to be kept confined, and to await the decision of a council of ten disinterested chiefs, or other persons sent by each nation, to be held at said post without delay; and if found guilty of murder in the first degree, the offender or offenders shall be forthwith hung by the neck until dead, by the authority of the members of the council of the injured party; and, if found guilty of a less offence, to be punished according to the decision made in the case by the said council.

Article 6th. Should the peace hereby established be violated by any person or persons of either party, and should the offending party refuse or neglect to comply with the demand of the injured party, it is hereby agreed that, upon the application of the agent of the injured party, the commanding officer of Cantonment Gibson shall be hereby authorized to enforce compliance with the provisions of the preceding article.

Article 7th. It is further agreed that, if the Cherokees on Red river shall forthwith consent to return and rejoin the Cherokees of Arkansas within twelve months, and make known to the agent of the Cherokees west, without delay, their acceptance of the terms of this treaty, and refrain from any violation of the provisions hereof—in the mean time all past transactions of every kind shall be buried and forgot, and the peace and friendship now established in this treaty extended to them, and the observance of the provisions thereof made as binding upon them as if they were present, and consenting thereto.

Article 8th. All cases of stealing horses or other property shall be punished with stripes, not less than twenty, nor more than thirty-nine, to be determined by the principal chief of the party to whom the offender belongs, either upon the application of the injured party, or without such application; and in all cases of neglect to punish as aforesaid, the council of twenty chiefs shall have the punishment enforced by the light-horse and soldiers of both parties without delay.

Article 9th. Reparation shall be made by the immediate return of the property stolen by either party uninjured, or, if injured, the damage shall be assessed by two or more disinterested arbitrators, to be chosen by the parties; and if the person or persons cannot make full reparation for the injury or injuries he, she, or they may have done, each party binds itself to pay the amount out of the first annuity payable thereafter; and if horses stolen by either party are not returned in four months to the agent of the injured party, the fixed price shall be one hundred dollars, payable as stated.

Article 10th. When a fair swap of horses takes place between individuals of the contracting parties, and afterwards either of them should wish to rue their bargain, the one wishing to rue shall pay the other one the sum of ten dollars, provided the horse be uninjured.

Article 11th. It is further stipulated by the contracting parties, that if any of the Red river Cherokees should decline or neglect to make known, as herein provided, their acceptance of the terms of this treaty, and if any person or persons of the Arkansas Cherokees should hereafter, and while a member of the Cherokee nation of Arkansas river, associate with any of the Cherokees of Red river in any violation of either of the provisions of this treaty, the Cherokee nation of Arkansas shall be bound to deliver up the offender or offenders to the commanding officer of Cantonment Gibson, to be confined till the case is decided by the council herein provided, and carried into effect pursuant to the provisions of the fifth article of this treaty.

Article 12th. It is further agreed that, in case the council herein pro-

vided to decide upon capital offences should be equally divided in opinion, and fail to form a decision, then it is hereby made the duty of said council to appoint a disinterested umpire, whose decision shall be final and carried into effect, as herein provided by the 5th article hereof.

Article 13th. It is further agreed, that neither party shall establish any permanent hunting camps within each other's limits, but the persons of both parties shall have the privilege of killing wild game for their subsistence in passing and repassing through each other's country, where settlements have not been established.

Article 14th. It is also agreed to hold an annual council of the chiefs of both nations at Cantonment Gibson on the 1st day of May, for the purpose of effecting an amicable adjustment of all matters, and renewing and perpetuating this bond of peace and friendship.

In testimony of our good will and friendship towards each other, we have affixed our hands and seals the day and date aforesaid.

CHEROKEES:

BLACK COAT,	his x mark.
MADI, or White Webber	his x mark.
YOUNG GLASS,	his x mark.
THOMAS GRAVES,	his x mark.
J. VANN,	his x mark.
JOHN RODGERS,	his x mark.
WASP,	his x mark.
BIG MUSH,	his x mark.
LITTLE CHARLES,	his x mark.
RAIN STOPPER,	his x mark.
SHE COW,	his x mark.
RICHARD ROE,	his x mark.
CHARLES CAMPBELL,	his x mark.
JAMES CAMPBELL,	his x mark.
THOS. CHISSOLM,	his x mark.
BIG CABBEN,	his x mark.
CHICKEN PECKER,	his x mark.
GEORGE MORRIS,	his x mark.
SAML. GLASS,	his x mark.
MAYS PULLIM,	his x mark.
TARRAPIN CAMPBELL,	his x mark.

OSAGES:

CLERMONT,	his x mark.
POHUSKA, (White Hair,)	his x mark.
NEE SHEE-MONY, or Walk- ing Rain,	his x mark.
TALLY,	his x mark.
HAI-HE GAI-TONGA, or Big Chief,	his x mark.
O-KEE CHAI-WORKS,	his x mark.
CHONTO SABIE,	his x mark.
WATA-NEE GA,	his x mark.
TCHEE-TOKA-MACHEE,	his x mark.
WA-CHEE-PEE-CHAI,	his x mark.

HURACHEE,	his x mark.
ENNANPASSIA,	his x mark.
CHON GAN MON-NAN,	his x mark.
WAI-HAI-SHASSIE,	his x mark.
MINTAR-ININGA,	his x mark.
MONGAHRAI,	his x mark.
TA-WON-NIN HAI,	his x mark.
OPE FUSH SHE-GAI,	his x mark.
KAI-HEE GAI-TRAIGAI,	his x mark.
CO-CHI-TA-MORSCA,	his x mark.
NOMBA WACHRIS,	his x mark.
TLONAPASSEE,	his x mark.
KI-HAI-GAS-MASHENPE- CHEE,	his x mark.
HONA YARGO,	his x mark.
HURATEE, or War Eagle,	his x mark.
MANSSIE,	his x mark.
KI-HEE-GO-SHINGA,	his x mark.
SANJA-RAY,	his x mark.
HONAPASSEE,	his x mark.
COW-E-TANGA,	his x mark.

Witnesses present at the signing of the treaty—

M. ARBUCKLE, *Col. 7th Infantry.*

P. L. CHOUTEAU, *Indian Agent for Osages.*

GEO. VASHON, *U. S. Indian Agent for Cherokees West.*

D. D. MCNAIR, *U. S. Sub-Agent Indian Affairs.*

D. S. MILES, *Lt., Ajt. 7th Infantry.*

J. W. BAYLOR, *Assistant Surgeon U. S. Army.*

JOHN NICKS, *Brigadier General.*

E. L. HAWKINS, *Captain 7th Infantry.*

JAMES RODGERS, his x mark, *Interpreter for Cherokees.*

Z. PITCHER, *U. S. Army.*

SAML. HOUSTON, *of Neosho.*

F. THOMAS, *Lt. 7th Infantry.*

T. C. BROCKWAY, *Lt. 7th Infantry.*

GEO. A. STIRLING, *Lt. 7th Infantry.*

L. F. CARTER, *Lt., and A. C. S. and A. A. Q. M. 7th Infantry.*

PETER A. CARNES.

BAPTISTE MONGRAIN, his x mark, *U. S. Interpreter for Osages.*

THOS. ANTHONY, *Secretary of the Council.*

I certify that the above is a true copy from the original.

THOMAS ANTHONY.

St. Louis, July 1, 1831.

I certify that the above is a correct copy from the original treaty.

THOMAS ANTHONY,

U. S. Acting Sub-Agent for Osage Nation.

A treaty of peace, amity, and friendship, made and concluded between the Chiefs, Head-men and Warriors, of the Western Creek nation, and the Chiefs, Head-men and Braves, of all the bands of the Osage nation, at Cantonment Gibson, this 10th day of May, 1831.

Article 1. The contracting parties declare that there shall be peace and friendship between them forever as nations.

Article 2. Should friendship hereafter be interrupted by the conduct of any person or persons of either party, by the commission of murder or capital offences, then the person or persons so offending, shall, upon application to the agent of the said party, by the proper authority of the party injured, be brought before a council of at least ten chiefs of each nation, to be punished agreeable to their decision.

Article 3. Private satisfaction or revenge shall not be taken by any individual or individuals of either party.

Article 4. Should any violation of the second article of this treaty be committed by either party, the offender or offenders shall be given up as hereafter provided for, within six months; but should the same not be done, then it shall be the duty of the party injured to call in the aid of the United States' military commander at the nearest military post, to compel the same to be done; and the parties solemnly bind themselves to submit to the exercise of his power and authority in compelling a compliance by the surrender of the offender or offenders.

Article 5. All cases of stealing shall be punished by stripes, not less than twenty, nor more than thirty-nine, to be determined by the chiefs of the nation to whom the offender or offenders belongs upon application of the injured party.

Article 6. Reparation shall be made by the return of property stolen by either party uninjured, or, if injured, the damage shall be assessed by the council of twenty chiefs; and if the individual or individuals cannot make a full reparation for the injury or injuries he or they may have done, each party binds itself to pay the amount out of the first annuity payable thereafter.

Article 7. In all cases of murder, or when an immediate decision cannot take place in the case, the offender or offenders shall be surrendered up to the officer commanding the nearest military post of the United States, until a decision can be had in the case agreeably to the foregoing articles.

Article 8. In case a horse is stolen by either party and dies, the value of the horse and twenty dollars damages shall be paid; also, that twenty dollars damages shall be paid if a horse is stolen from either party, whether it is returned or not.

Article 9. When a fair swap of horses shall be made between a Muscogee and Osage, and afterwards either of them should wish to rue their bargain, the one wishing to rue shall pay the other the sum of ten dollars.

In testimony of our good will and friendship towards each other, we have affixed our hands and seals the day and date aforesaid.

(Signed duplicates.)

MUSCOGEEES, OR CREEKS.

Fush-hatchey Micco	his x mark.	Jacob Derasaw	his x mark.
Chilly McIntosh	x	Thloc Puskua	x
Benjamin Derasaw	x	Col. Senaway	x

Samuel Miller	his x mark.	Hats Keese	
Kendal Lewis	x	Coosawda Turtennaggee, his x mark.	
Spoke hoke Harjo	x	Daniel Miller	x
Hospeetac Harjo	x	Charles Reed	x
Benjamin Perryman	x	Robert Tiger	x
Hillabee Turtenuggee	x	Tallamassee	x
Warthlockki Harjo	x	William Startuccar	x
John Randall	x	Opoieth Harjo	x
Tallaway Micco	x	Ufanla Tustunnuggee	x
Pows Harjo	x	Ninneiortoochee	x
Samuel Perryman	x	Gristy Perryman	x
Echo Harjo	x	William Perryman	x
Hotala Micco	x	Yaha Turhennuggee	x
Arpiack Micco	x	Holarta Harjo	x
Tchocotar Tustunnuggee	x	Chitto Yoholla	x
Fos Harjo	x	Hopoeth Harjo	x
Istacharco Harjo	x	Nocosee Juee Harjo	x
Oneeza Turtunnugge	x	Arkeetee Yoholla	x
Coose Yohotta	x	Hillabee Emanthla	x
Tustunnuggee Chopko	x	Itchhas Sarwar Harjo	x
O. Keetioknee Tustunnuggee	x	Chokotee Tustunnuggee	x
Thomas Sledham	x	Taccosee Hothlepoie	x
Tuskono Fixico	x	John Harrell	x
Chis Kailagai Emanthla	x	Efire Emanthla	x
Ispogee Emanthla	x	Hutis Hopioe	x
Tallasee Harjo	x	Alexander Lastly	x
Neehar Yoholla	x	Co Emanthtuchee	x

OSAGES.

Clermont	his x mark.	Arseedashinga	his x mark.
Pahuski, or White Hair	x	Neea Anthra	x
Neesheemouny, or Walking		Warto Keegar	x
Rain	x	Warhibaikin	x
Tally	x	Shingawasso	x
Kaihegaitonga	x	Kaihai Washonpeeche	x
Okeerhai Woike	x	Tamon Kahrai	x
Chonto Sabie	x	Kahigais Chinga	x
Wataneegah	x	Thabais Chinga, or Little	
Teheeetoka Warhee	x	Beaver	x
Wacheepiechar	x	Huratie, or War Eagle	x
Hurachee	x	Waichuchi	x
Ennaupassia	x	Hurawoichuche	x
Watrush Shai	x	Trahaishnonpasbe	x
Chonganmonnau	x	Nikagarais	x
Waihai Shassai	x	Kaihegaitongo, Little Osage	x
Mintaiminga	x	Tahan Monnie	x
Mongahrai	x	Mensai	x
Tawonninhai	x	Nanhrutehaiingai	x
Opefush Shagai	x	Oivassabia	x
Kai Hugartraiga	x	Huraskin	x
Cachita Worsea	x	Numbawaghrai	x
Tchee Shaiwarach	x	Togo Shinga	x

Teegahrainonpabia	x	Hungaschai
Cowatunga		Hoskaiwatckeei
Nombar Keeha		Ningashai
Hurawashushai		Shish Shaiwarai
Monhispaiairaichai		Neecagatchai
Wataniga		Hargarmannie
Wash Shabbai		Kansai
Neecahree		Wadokeeda
Ta Shaiga		Warhinpeechai.

In presence of

P. L. Chouteau, U. S. Indian Agent for Osages.
George Vashon, U. S. Indian Agent for Cherokees West.
M. Arbuckle, Col. 7th Infantry.
Samuel Houston, of Neosho.
Nathaniel Pryor, U. S. Sub-Agent for Osages.
D. D. McNair, U. S. Sub-agent Indian Affairs.
D. S. Miles, Lt. and Agent 7th Infantry.
N. G. Wilkinson, Captain 7th Infantry.
John Nicks, Br. General.
John W. Baylor, Assistant Surgeon U. S. Army.
J. L. Dawson, Lt. 7th Infantry.
Jasper McComb, Lt. 7th Infantry.
Z. Pitcher.
Thomas Anthony, Secretary to Osages and Council.
L. F. Carter.
Samuel Kinney.
A. Phillips, P. M. U. S. A.
S. West, Lt. 7th Infantry.
George A. Stirling, Lt. 7th Infantry.
T. C. Brockway, Lt. 7th Infantry.
P. S. King.
H. Harolson.
F. Thomas, Lt. 7th Infantry.
Benjamin Hawkins, Interpreter for Creeks.
E. Jacobs.
John Wynn, Clerk Creek Nation.
Stephen Van Rensselaer, Osage Interpreter.
Baptiste Morgrain, his x mark, U. S. Interpreter for Osages.

CHOCTAW AGENCY, July 2, 1831.

DEAR SIR: My object in writing to you at this time is to inform you that Mr. Reuben Harris has an improvement out on the Yazoo, about 60 miles from his residence, and it appears from the treaty that he will be confined to his place, where he now lives, which is on the Robinson road. Mr. Harris is a very hard working man, and has done a great deal of work on his place at the Yazoo, and I wished it could be fixed, so that he could be permitted to have choice of his two improvements. Please to let me know, when you receive this, what can be done.

Mr. Harris has a very large family to support. The Choctaws will make a general move this fall. I expect to go myself some time in October.

Your friend,

GEORGE W. HARKINS.

To the Hon. J. H. EATON.

WASHINGTON, July 7, 1831.

SIR: I have the honor to inform you that I have received, on account of the removal and subsistence of the Indians, the sum of \$5,000, to be turned over to Capt. J. B. Clark, at Little Rock, Arkansas Territory. I take leave also to say, that I am at all times ready to enter into the necessary bonds, and request that blanks be furnished to met at Little Rock.

I am, &c.,

WM. S. COLQUHOUN,

Special Indian Agent.

P. G. RANDOLPH, Esq.,

Acting Secretary of War.

PHILADELPHIA, July 8, 1831.

RESPECTED SIR: Since the date of my last to you, I have concluded that if more agreeable to you, I will have the locks filed over *models* or *gigs*, as we term them; the supposed advantage of which is, in case of breakage, that the limbs of one lock can be attached to another.

I acknowledge that I do not myself see any great advantage gained for arms of this description, they being distributed amongst so many individuals, neither of whom would be willing to dismember his lock for the accommodation of another; for an army or in the public service, it perhaps is advisable.

My object, in making the offer, is my wish to give you satisfaction. Should you see proper to have them made on that system, a greater length of time for their completion will be required.

Very respectfully,

Your obedient servant,

GEO. W. TRYON.

To Col. SAMUEL S. HAMILTON,

War Department, Office Indian Affairs.

INDIAN AGENCY, COLUMBUS, OHIO, July 8, 1831.

SIR: On my return (on the 4th instant,) from Sandusky, where I had been on business relating to this agency, your letter of the 24th ultimo was received; also yours of the 30th ultimo this day came to hand, and the instructions therein contained shall be attended to.

Before I draw for the six thousand dollars due the Senecas, I have considered it best to ascertain to what amount they are in debt; and I have already directed Mr. Brish, the assistant agent, to attend to that duty, and to have all claims against them made out in form. In the meantime, I will,

as far as I am capable, ascertain what description of articles will add to their comfort and convenience on their journey, and recommend to them only to purchase such, or, at their request, to make the purchase for them. By a proper and judicious expenditure of this money, it will, in some measure, lessen the expense of the removal of these Indians.

I will shortly, as directed, draw on the department for the pay of the Seneca interpreter, and I am in hopes that the department is prepared to settle the arrearages due this agency for 1829. If it is, it perhaps, in some degree, may soften the feelings of those who have been removed.

For the satisfaction of the department, I herewith make a detailed account due the officers of the agency for 1829, viz.

To James McPherson, sub-agent, removed,	-	-	\$ 500 00
C. L. Cass, do. do.	-	-	400 00
James Montgomery, do. deceased,	-	-	469 20
John Lewis, blacksmith, in service,	-	-	469 20
John Elliott, do. do.	-	-	234 60
Robert Brodrick, do. resigned,	-	-	234 60
Isaac Walker, interpreter, deceased,	-	-	194 50
William Walker, do. in service,	-	-	273 70
Martin Lane, do. do.	-	-	200 00
Joseph Park, do. do.	-	-	240 00
F. Duchouquet, do.	-	-	180 00
Contingent expenses for 1829,	-	-	53 65½
Balance due agent for 1829,	-	-	430 00
			<u>\$ 3,879 45½</u>

It will, however, be seen by my account current of the 31st of last Dec., that the balance, at that time due the agency, only amounted to \$3,577 35. Thus it appears that the sum of \$302 10½ ought to be deducted from the above amount. This sum of \$302 10½ is a balance of funds placed in my hands for certain objects, but has not been disbursed.

If it is in the power of the department to settle the above claims, I do assure you it will be very gratifying to those who hold them; and besides it will be the means of releasing some of them from great embarrassment. But if the whole amount cannot consistently be paid, if those who have been removed, and the children of the deceased are paid, I for myself will be perfectly satisfied and much pleased. I am preparing to pay the Indians their annuities, and to settle the concerns of the agency. After this is done, I will then turn my whole time and attention towards fitting out the Senecas for the west.

Very respectfully,

Your most obedient servant,

JOHN McELVAIN, *Indian Agent.*

To Col. S. S. HAMILTON.

ALLEGHANY ARSENAL, PA., July 8, 1831.

SIR: I have the honor to forward contracts, which I have concluded, for ploughs and hoes for the Indians.

I am, sir, with great respect,

Your most obedient servant,

R. L. BAKER, *Maj. U. S. Army.*

To P. G. RANDOLPH, Esq., *Acting Secretary of War, Washington.*

ALLEGHANY ARSENAL, *July 6, 1831*

This agreement, entered into this sixth day of July, 1831, between John Dickson, of the city of Pittsburgh, of the one part, and Maj. R. L. Baker, for and in behalf of the United States, acting under the authority of the Hon. Secretary of War, of the other part, witnesseth:

That the said John Dickson hereby agrees and binds himself to construct for the said United States five hundred ploughs, and to deliver the same by the fifteenth day of September next, at or near the mouth of White river, on the Mississippi, or at the city of Pittsburgh, as may be directed by the said Maj. R. L. Baker.

That all of said five hundred ploughs shall be of the kind and construction of the largest sized one-horse ploughs made by Mr. James Speers of Pittsburgh, and known under the designation of the Co Hon or Box share Mississippi plough, to be made with a cast-iron mould-board, and a wrought iron share and land side, with steeled point and edge: the iron and steel to be of the best quality, and the workmanship to be skilfully performed. The wood work to be of good, sound, and well seasoned white oak, and substantially and smoothly worked and put together, and to be painted with two good coats of red lead and oil. The bolts, nuts, and other wrought work, to be painted black, and the cast iron to be either painted black, or smoothly ground.

That the said John Dickson shall receive from the United States for said ploughs, after they shall have been inspected at the city of Pittsburgh, and duly approved by the said Maj. R. L. Baker, and after he shall have delivered the whole of the same, either at Pittsburgh, or at or near the mouth of White river, as he may be required to do, four dollars and fifty cents per plough, if delivered at Pittsburgh, and four dollars and seventy-five cents per plough, if delivered at or near the mouth of White river on the Mississippi, by the time fixed in this agreement, and in good order and condition; it being understood that, if the river Ohio shall not be navigable at the time when it would be necessary to transport the ploughs in order to reach the place of destination by the time fixed, then the said John Dickson agrees to deliver said ploughs immediately after the river shall again become navigable.

In witness whereof, we hereunto set our hands at the Alleghany arsenal, this sixth day of July, 1831.

JOHN DICKSON.

R. L. BAKER, *Maj. U. S. A.*

In presence of

VIRGIL DAVIS.

PITTSBURGH, *July 6, 1831.*

To insure the fulfilment of the foregoing contract, we, the subscribers, do hereby jointly and severally hold ourselves bound to the United States of America in the sum of one thousand dollars, which sum we promise to pay to the said United States, in case of failure on the part of the contractor, John Dickson, to comply in all respects with the terms of the foregoing contract.

JAMES ANDERSON.

WM. LECKY.

Witness.

ALLEGHANY ARSENAL, PA., July 8, 1831.

It is hereby agreed between Asa Waters, of Pittsburgh, of the one part, and Maj. R. L. Baker, on the part of the United States, acting under the authority of the Hon. Secretary of War, that the said Asa Waters contracts, and binds himself to make and deliver to the said Major R. L. Baker at the city of Pittsburgh, by the first day of September next, the following named hoes, viz.

200 hilling hoes,
200 weeding hoes,
100 grubbing hoes.

The hilling hoes to be six inches, and the weeding hoes nine inches wide; to be made with plates of steel, with iron eyes firmly rivetted on. The grubbing hoes to be of the usual size, of good iron, with steel edges.

The whole to be neatly ground, and in all respects completely finished, and boxed in good strong boxes of convenient sizes for transportation.

It is further agreed that, after the whole of said hoes shall have been completed, inspected, approved, and received by the said Major R. L. Baker, the said Waters shall receive from the United States the following named prices therefor, viz. for the hilling hoes, at the rate of three dollars and fifty cents per dozen; for the weeding hoes, four dollars per dozen; and for the grubbing hoes, nine dollars per dozen: which sums shall be in full for said hoes, inclusive of boxes, packing, and delivering the same.

In witness whereof, we hereunto set our hands at the Alleghany arsenal, this eighth day of July, 1831.

ASA WATERS.

R. L. BAKER, *Maj. U. S. A.*

In presence of

VIRGIL DAVIS.

TIFFIN, OHIO, July 8, 1831.

DEAR SIR: The greatest difficulties which I have had to encounter in the course of my negotiations have arisen from the sinister interference of the *whites* who have intermarried and settled among the Indian tribes of this State, and also from the missionaries *comfortably* located on the choicest sections of some of the reservations, enjoying an immunity from civil obligations, while they receive a handsome support from their respective churches, and a considerable sum from the civilization fund.

Among the Wyandots at Upper Sandusky, especially, I have found these difficulties of a formidable character. All their chiefs belong to the Methodist society, and two of them are preachers. They have been able to find no fault with the overtures of the Government, but they express a *distrust* of the *sincerity* of the President in making them, and a *disbelief* that the country to which they are invited to remove is such as has been represented. In describing to them the districts appropriated for Indian emigration west of the Mississippi, I have taken the statements of Gov. Clark and Col. Chouteau for my *data*. The Wyandots say they must *see for themselves*; and if the President will authorize a delegation of four or five of their nation to go and see the country, and furnish the necessary funds for the purpose, they will be willing to treat on the return of the delegation, provided the lands are such as has been represented. The Ottaways have made the same objection, and request a similar indulgence of the President. As my instructions do not provide for a contingency of this kind, I respectfully sug-

gest that the subject be submitted to the President for his opinion and decision.

The Wyandots have also expressed a desire that a delegation of them might be permitted to visit the President at Washington as soon as possible, for consultation and advice. If this privilege be granted, it may possibly supersede the necessity of their sending a delegation to view the country west of the Mississippi.

It is important to the Government and to the citizens of this State that the Indian title in Ohio should be extinguished, and, if the indulgence of the Indians in these *whims* can effect so desirable an object, had it not better be submitted to? I have lately visited Gov. Cass for the purpose of advice and conference, and he is decidedly of opinion *that, at this time*, it is best to gratify the Indians in all they ask, as far as it can be done without manifest impropriety. It is also my own belief that this is the true policy.

If the President should think proper to yield to the wishes of the Ottoways and Wyandots, would it not be well to instruct me to offer them the *election* of visiting the President or making a journey to view the lands west of the Mississippi? But perhaps he may think it best to grant *both* of their requests.

I have just received a letter from the chiefs of the Shawnees at Wau-paughkonetta, inviting me to repair immediately to their town for the purpose of forming a *treaty*. I shall set out to-morrow for this purpose. I also learn that the Senecas of Lewistown are unanimously in favor of removal, and will be ready to enter into an agreement in a few weeks.

I am very much in need of a book of Indian treaties. Will you please to cause one to be sent to me as soon as convenient?

Letters for me should be directed "Tiffin, Seneca county, Ohio."

I have the honor to be,

With the highest consideration,

Your most obedient servant,

JAMES B. GARDINER.

Hon. P. G. RANDOLPH,

Acting Secretary of War, Washington City.

RANKIN, July 9, 1831.

DEAR SIR: The accompanying accounts have been forwarded to Col. Leflore. He became responsible for the ferriage as stated. He believes that the early emigration of a part of the Indians would have a happy influence on the question. His friend, Mr. Campbell, of Vicksburg, attended to the business, and is, at the request of Col. Leflore, immediately responsible to the ferry man.

Col. Leflore wished to know of me what to do. I advised him to forward the accounts to you, as it would require a special order from you to get the proper officer to pay the accounts. Col. Leflore is uneasy about the accounts, because they are pressing him for the money.

An early answer will be gratifying to Col. Leflore.

I have the honor to be,

Your obedient servant,

F. W. ARMSTRONG.

Hon. JOHN H. EATON,

Secretary of War.

LEWISTOWN RESERVATION, *July 17, 1831.*

DEAR SIR: If it is not asking too much, I will thank you to request the Engineer Department to forward to me at Columbus a map of the country destined for the future residence of the Indians, the best route to the Seneca reservation by land, and at what point the Senecas ought to be landed provided they are removed by water, the distance from said point to their reservation, &c., &c.

This information is, at this time, of importance to those who are engaged in removing the Senecas, &c.; and, as I am confident that the time is not distant when some one will be called upon to remove every Indian in Ohio, I therefore deem it proper, at this time, to obtain all the information that is possible for me to do on the subject of their removal, in order to be prepared to act when the time arrives, with the least possible expense to the Government.

To-morrow a treaty will be concluded with the Indians of this reservation. At the payment of annuities, which will be within two or three weeks, the Shawnees of Waupaughkonetta have agreed to treat. The Wyandots still hold back. I, however, have no fears but they will also treat during the season, provided permission is given to them to locate a reservation after they remove, if they should not make a good choice in the first place. Mr. Gardiner is laboring night and day to accomplish the object of his mission; and the Executive may have no fears but his views, as it regards the Ohio Indians, will, during the present summer, be carried into effect, if it is in the power of mortal man to do it.

Your most obedient servant,

JOHN McELVAIN,

Indian Agent.

To S. S. HAMILTON, Esq.

CHEROKEE AGENCY, *July 19, 1831.*

SIR: As soon as I received your letter of the 9th June ult., I settled with the issuing agent, and, having no issues to make, or supplies on hand, except about one hundred rations of refuse beef, which was so injured that it was worth nothing, I discontinued his service on the 31st of that month.

And the assessors having two or three plantations to value, which lie on the Georgia side of the nation, and had been left undone until several others who talked of enrolling would call for them, I sent them to finish what was there to do; and they having on this day made their final report, I discontinued them also, and have enclosed you a statement of their accounts, and of all the debts due by this agency on account of the emigration business; and have, for your information, added the sums due at the Arkansas, both for the improvements and for the ten dollars due to each of those who went from out of the limits of Georgia, agreeably to the treaty of the 6th May, 1823. The difference between the sums there stated, and assessors' report, is accounted for as follows: Two or three white men, with their Indian families, are not gone, and it is said their families will not go with them; about as many have gone without theirs, and the certificates are withheld until the former go, and the latter follow their husbands, if, indeed, they should do so.

I have also enclosed you a receipt-roll for five boats delivered to emigrants since my last report, making, in all, I think, forty-two boats delivered, which

embrace the forty received of the contractors, and for which two bills were drawn in favor of William and John Ellis, one for \$1,129 4½ cents, on the 27th February, 1829; and the other on the 3d May, 1830, for \$1,162 10 cents; for which I expect credit at the Treasury Department. The other two are for the two boats bought of John Hardwich for \$118 32 cents, for present use, at the same price of the others, and for which amount a bill was drawn on the Secretary of War on the 3d March, 1829.

The report of the settlement made with the issuing agent, on the 2d April last, shows that the whole amount of requisitions, on McCarty & Co., for provisions, were for 75,000 rations, and he had issued on orders from me 74,795, out of which showing a loss of only 305 rations in the whole; and in payment for which I drew, on the 27th February, 1829, on the Secretary of War for \$1,100; and on the 15th April for \$550; and on the 16th April, 1830, for \$2,475: making in all \$4,125.

In the enclosed statement of requisitions for boats, you will see that there is one for 20 boats, to be delivered—10 the 1st of November, and 10 the 1st December next. As soon as I received your order for suspending the emigration business, I sent the sub-agent to try to get off with the contractors, but they stated they had prepared materials and engaged in the building of the boats, and should deliver them agreeably to the requisition. Unless the emigration is revived this fall, I fear those twenty boats will be a troublesome article on our hands.

It may be proper to mention here that one of the 40 boats received of the contractors became so much injured and racked by a freshet that I thought it cheaper for the Government to purchase a trading boat at \$15, than to pay for repairing it, and did so; and which \$15 you will see that I have estimated in the enclosed statement of debts due for emigration business.

Very respectfully,

Your obedient servant,

H. MONTGOMERY.

Honorable SECRETARY OF WAR,
Washington City.

SUPERINTENDENCY OF INDIAN AFFAIRS,
St. Louis, July 19, 1831.

SIR: I have the honor to enclose to you, herewith, a special account, abstract, and vouchers of Mr. P. L. Chouteau, Indian agent for Osage nation, for expenses incurred by him in effecting treaties of peace and friendship between the Osages, and the Cherokees, and Creeks west; the payment of which I would beg leave to recommend.

And have the honor to be,

With great respect,

Your obedient servant,

WILLIAM CLARK.

The Hon. SECRETARY OF WAR,
Washington City.

ST. LOUIS, *June 30, 1831.*

SIR: I have the honor of transmitting to you abstract and vouchers of expenses incurred at a late council held at Contonment Gibson, Arkansas, be-

tween the head chiefs and braves of the Osage nation, of which I am their agent, and the Creek and Cherokee nations of Indians.

The cause which gave rise to this meeting of Indians, was in consequence of depredations committed by a part of the Osage nation upon property belonging to the Creeks and Cherokees, during the last winter. The sufferings of the families of those who committed these acts are their only apology; but the cheerful and manly manner in which they came forward and made atonement for the injury they inflicted on their neighbors, induced me, after consulting with Col. M. Arbuckle, commanding officer of Cantonment Gibson, and Capt. George Vashon, agent for Cherokees, to make a present of goods to the Osages, in the name of the United States Government, as a compensation to them for their good conduct in surrendering their annuity up to those they had injured, and for their compliance, in all respects, to the dictates of the agent appointed to superintend their business and watch over their interests. I, therefore, sincerely trust that my conduct will be approved of, and my motives duly appreciated, and that provision will be made, as soon as possible, by the War Department, in reimbursing me the amount I have expended, say (\$1,731 51,) seventeen hundred and thirty-one dollars and fifty-one cents.

I have the honor to remain,
Your obedient servant,

P. L. CHOUTEAU,
U. S. Indian Agent for Osages.

General WILLIAM CLARK,
Supt. Indian Affairs, St. Louis.

CHOCTAW AGENCY, *July 23, 1831.*

SIR: I have the honor to acknowledge the receipt of your letters of 9th, 16th, and 27th ultimo, all of which shall be duly attended to in due time.

I have received a communication from the office of Commissary General of Subsistence, requiring of me to give some information on the subject of removing the Choctaws west of the Mississippi. I herewith give to that department a hasty view of the matter.

I have a map of the Choctaw country beyond the Mississippi river, and have shown it to some of the leading Choctaw men, who appear to agree that the Choctaws ought all to settle on the waters of the Red river; and the land owned by the Choctaws on Arkansas river would suit for a settlement of the Chickasaws.

I have to pay two districts annuities at one place on the 10th of August. Would it be advisable to know if the Choctaws would let the Government have the land from the ridge of mountains between these two rivers for the settlement of the Chickasaws, and on what terms? Be pleased to give me the views of the War Department on this subject, as this is the most favorable time, before the chiefs move or the Indians are settled at their new homes.

I have the honor to be,
Very respectfully, &c.,

W. WARD,
Agent Choctaw Nation.

SAMUEL S. HAMILTON, Esq.

P. S. The Indians complain that no person has yet been appointed to value their cattle. Major Armstrong and party are getting on very well with the business assigned them. They expect to make a finish by the 10th August.
W. W.

TUSCALOOSA, *July 29, 1831.*

DEAR SIR: Although I have not the pleasure of your acquaintance, I take the liberty of applying to you for information on a subject of much importance to me, and believing, as I do, there is no information I can get that will be so much to be depended on as yours. The business is this: I see from a treaty that was held and concluded with the Choctaw Indians, which Major Eaton and General Coffee held with that tribe, that there are several donations of land which can be sold by the consent of the President; and the information is this, whether, will the President give his consent or not; or if the land is sold, whether, will the President agree or give his consent for it to be sold to an individual or not; or if sold by those Indians, if the reserves must not be sold to the United States, and be as the domains of the Government? We have different opinions amongst us on that subject. I will have to trouble you, if you please, to inquire of the proper authority, and write on that subject and answer the above question. Please direct your letter to Tuscaloosa, Alabama, and oblige,

Yours, &c.,
JAMES PAUL.

Mr. CASS.

U. S. INDIAN AGENCY AT PRAIRIE DU CHIEN, *August 1, 1831.*

SIR: I hasten to communicate an account of a horrid massacre of Menomonie Indians at this place, yesterday morning, in violation of the treaty of pacification between the Indians assembled here in July, 1830; and, as it would appear, in contempt of the authority and power of the United States, even upon their own land, for these murders were committed *within the village of Prairie du Chien and near the fort.*

Two or three hours before day, on the morning of the 31st of July last, a party of eighty or a hundred Sacs and Foxes, in canoes, passed up in front of Fort Crawford, and surprised some Menomonie lodges on the east bank of the Mississippi, about one and a half miles above the fort, and killed twenty-five of the latter; one being found dead after I wrote to the commanding officer at Fort Crawford. The lodges were in a piece of land subject to inundation, between the upper and middle village. Most of the Menomonies were drunk, and all unarmed but one man, who says he shot and killed two of the assailants, and then escaped, after seeing all his family killed. Out of thirty or forty Menomonies in the lodges, twenty-five were killed and seven or eight wounded; who, I hope, will recover. The killed were eight men, six women, and eleven children.

The whole affair was over, and the assailants in full retreat down the river, in front of the fort, within ten minutes from the first attack. Four Menomonies, who were in the village, crossed the river, just a-head of the retreat, well armed, landed on the island and poured a continued fire upon

the Sacs and Foxes, until they fell too far below. They report that they saw several sink down in the canoes, as they fired.

I received information at the agency (two miles off) in a short time from the commencement of the attack, dressed by candle light, and hastened to the spot. The assailants were gone, and the dead, dying, and wounded, were scattered over the ground; their bodies mangled, wantonly, in a most shocking manner. At seven o'clock, A. M., the accompanying letter (A) was addressed to the officer commanding at Fort Crawford, which gave him the *first intimation* of the whole affair; the approach, the attack, and the retreat; in answer to which, I received for answer the letter marked B, which I herewith submit.

By an express, I this morning addressed General Clark, of St. Louis, and trust my letters will be received by the 7th instant.

I deeply lament that so daring a violation of the treaty, which was expected to produce a lasting pacification amongst the Indians, should so soon have taken place. In a letter I had the honor to address to the honorable the Secretary of War, just after the treaty at Rock Island, I expressed my want of confidence in those Indians, though I did not suspect them in this quarter.

The Menomonies having requested an audience, met in council this day. They appear in deep distress. After rehearsing their misfortunes they said: "We have been led into a fatal snare by the commissioners of our great father. When you sent us word to meet the commissioners of our great father at Prairie du Chien, to hear good words from our great father, we came; when we are at war, we are not afraid to go any where. The Sacs and Foxes were to be here; and our friends, the Sioux, were to be here; and we were prepared for war or peace, *though we wanted war*. You and the commissioners told us, our great father wanted all his red children to be at peace; that we would be happier, and might then feel ourselves secure; for, if peace was made in the presence of his commissioners, he would compel the Indians to keep it. We heard Nankar, the Winnebago chief, speak in council. He said he was for peace. It was the wish of our great father, and who will resist? I have been in his land, said he, and know he is strong. His people are like the grass on the prairies. The Indians that are fools, said he, and resist, he will put out their council fire. This talk went into our ears, and we determined to do what our great father told us.

"You came to our wigwams, and persuaded us to take the hands of the Sacs and Foxes in peace, bury the tomahawk deep in the earth, and smoke the pipe of peace in the presence of our great father's commissioners. We did so; yet we told you in the evening that we did not like the peace. The Sacs and Foxes only gave us *a part* of their hand, the rest was still bloody. Yet, when we heard, next day, the talk of the chief of our great father's warriors at this place, (Col. Morgan,) we were satisfied. He told us he was pleased; we had done right; we need no more be on the watch for an enemy. Now, said he, you have a good path to this place, to your own country, where you may choose to go. You will be secure from danger. You have all joined hands, and smoked the peace pipe in my presence, and the presence of your father from St. Louis; and the Indian or nation that breaks this peace and strikes any other nation, I will march my warriors with the Indians who have been struck, and help them to revenge their dead. These were the words of the chief of the warriors, (Col. Morgan.)

Now, we came here in peace; we were encamped in your village, and near to your fort; we believed we were secure; since the treaty of 1830, we apprehended no danger from those Indians who took our hands in peace; and in the night those same Indians have rushed into our lodges, and murdered our helpless women and children, close to your fort. Where now is the chief of the warriors? Who has gone after these false Indians, who came into council with a double and forked tongue? In a few hundred steps of the place where the council was held, in your village, and near to your fort, we laid down to sleep in confidence, under the faith of the treaty, and some yet sleep.

“Our father: we mind what you say to us from our great father, then do not speak to us with a forked tongue. The Sacs and Foxes do not listen to your words, or obey your good advice. They promise when your warriors are around them; when they are gone, they break the promise, and they laugh at you, and at us for depending upon you. What then must we do?”

“Our father: take pity on us; and you, white men, who are here, have pity on us and our orphan children whose fathers and mothers, brothers and sisters, have been killed in your village. Have pity on the fathers and mothers whose children have been killed. We hope you, our father, will take pity on us all, and help us: and we will wait a little while to see what our great father will do for us. We wish you and our father to let him know what has been done to us, he knows what he has promised; you tell us he is strong, we believe you, and we will wait a little while to hear from him. Our wounded are suffering, help us. Our fathers: the Chippewas murdered our people last winter; you asked us not to revenge until you could write to our great father; we waited and yet we have not heard from him. When will he answer? shall we wait till the Chippewas, and the Sacs and Foxes kill us all?”

“Our father: we will go into our country and wait, so soon as our wounded can be moved. Have pity on us, and help us till then.”

I replied briefly, that I would give some little to their suffering people; I was not their father, and could give but little. That I would lay the whole before their great father as speedily as possible; and so soon as I got an answer in this or the Chippewa affair, I would let them know what it was.

Such is their broken, wounded, and forlorn state, I was compelled to get them some things and feed them, though the urgent requisitions from the department forbid any great increase of contingent expenses. My accounts for the advances will be forwarded through the usual channel, and I hope will meet your approbation.

I trust this subject will meet your early consideration, and call for immediate attention. If something is not speedily done, the whole of this frontier will, in all probability, be involved in a cruel, retaliatory Indian war.

Events have rendered a *portion, at least*, of the Sacs and Foxes reckless of consequences. Circumstances induce me to believe they are mischievously advised; and my suspicions rest on traders amongst them. At the treaty of July, 1830, at this place, a trader said to me: “The Sacs and Foxes wish to sell to the United States the whole of their country that borders on the Mississippi, but they wont sell unless the commissioners *will pay to Messrs. Farnham and Davenport what the Indians owe them.*” If these Indians are not signally chastised and deeply humbled, the murders on this frontier will not be confined to Indians. White men will next be missing near

the Sacs and Foxes. If they dare come past a fort, into one of our villages' and murder Indians within cannon shot of our forts, they will not stop, in a short time, to kill our own citizens.

The same party who murdered the Menomonies, called where a party of the military, under a Lieutenant, were making lime on the west shore of the Mississippi, a mile above the mouth of the Wisconsin, behaved saucily, and objected to the United States making lime in *their country*. By this it would seem they are ready to disavow their treaty of the 3d of November, 1804, by which General Harrison purchased two miles square on the west of the Missouri, near the mouth of the Wisconsin.

Under existing circumstances, let me hope that some early and efficient measures will be taken to secure the peace of this important frontier; and that you may deem it of sufficient importance to be early communicated, so as to arrest any further hostile movements amongst the Indians.

Runners have gone to Green Bay, and to the Sioux country.

Respectfully,

I have the honor to be,

Your most obedient,

JOS. M. STREET,

U. S. Indian Agent.

Hon. SECRETARY OF WAR.

(A.)

U. S. INDIAN AGENCY AT PRAIRIE DU CHIEN,

July 31, 1831, 7 o'clock, A. M.

SIR: After a personal inspection of the scene of massacre, I hasten to inform you, that last night the Sacs and Foxes struck the Menomonies encamped on the east side of the Mississippi, about three or four hundred yards above old Fort Crawford, and killed twenty-four of the latter, butchering them in a most shocking manner.

The Sacs and Foxes came up and left their canoes just above the old fort, and completely surprised the Menomonies, who, under the sanction of the peace of 1830 at this place, and their vicinity to the fort, were unsuspecting of danger. The attack was made about two hours before day, and the assailants were gone before light.

So daring a violation of the treaty of July, 1830, made at this village, and within cannon shot of the fort, evinces a spirit, little in accordance with its humane and pacific object.

I am also this moment informed, that runners will be immediately despatched by the Menomonies to Green Bay, and to the Sioux.

I shall be at Judge Lockwood's during the day.

Respectfully, yours, &c.,

JOSEPH M. STREET.

U. S. Indian Agent.

Captain G. LOOMIS,

Commanding, Fort Crawford.

(B.)

FORT CRAWFORD, (M. T.,) *August 1, 1831.*

SIR: I received your note of 31st July, '31 informing me "that the Sacs and Foxes struck the Menomonies encamped on the east side of the Mis-

Mississippi, about three or four hundred paces above old Fort Crawford, and killed twenty-four of the latter, butchering them in a most shocking manner."

I very much regret this occurrence should have taken place.

If I had received information of the intention of the hostile Indians in time, I should have interfered to prevent it, even with the troops under my command, if it had been necessary.

The approach and attack of the hostile Indians upon the Menomonies were so silent, the weapons used being chiefly the tomahawk, spear, and scalping-knife, that this garrison, distant about two miles from the scene of slaughter, was not alarmed.

If I could seize upon any of the murderers, I should do so, and hold them in confinement until the orders of the commanding general, west department, should be received upon the subject.

I have, by an express, notified the commanding officer of Fort Armstrong, at Rock Island, of the destruction of the Menomonies.

I shall, by the earliest opportunity, notify the commanding general of the west department of the savage occurrence.

In the mean time, it will give me great satisfaction to co-operate with you in any measures of benevolence, (consistent with my situation,) to prevent the further waste of human blood, or in any way calculated to further the views of the Government with regard to the Indian tribes.

With respect and esteem,

I have the honor to be,

Your obedient servant,

G. LOOMIS,

Capt. Commanding.

Gen. Jos. M. STREET,

U. S. Indian Agent, Prairie du Chien.

INDIAN AGENCY, COLUMBUS, OHIO, *August, 1, 1831.*

DEAR SIR: This morning, just as I was about to leave here to pay the Indians their annuity, your letter of the 26th ultimo came to hand, in which I am directed to inform you where I wish the Seneca rifles forwarded. As the Senecas in the first place will be taken to Cincinnati, provided they are removed by water, which I presume there is no doubt but it will be the case, that is the point where the rifles ought to be forwarded, and to the care of Macalister, jr., & Co., of that place. It will take about one month before I get through paying the annuity; after that I will attend the Senecas; and if possible, I should like, by that time, to have my instructions of the mode and manner which they are to be removed, and to be authorized to draw funds for that purpose.

It is not probable a boat can be obtained at Cincinnati, bound for the nearest point where the Senecas can be taken by water towards their new home; in that case, a contract can only be made to take them to some point on the river, where it would be most likely to fall in with a boat that is going as far as they can go by water towards their destination.

I make these remarks for the consideration of the department, as it would, in my opinion, be too expensive to charter a boat, at Cincinnati, exclusively, to take these few Indians the whole route without any other

loading; however, any instructions that the department may give upon the subject will be strictly attended to,

By your most obedient servant,

JOHN McELVAIN,

Indian Agent.

To Col. SAMUEL S. HAMILTON.

DEMOPOLIS, ALABAMA, *August 3, 1831.*

SIR: It was determined by your predecessor, at the treaty with the Choctaws at Dancing Rabbit creek, in September last, to send a delegation of from nine to thirteen Choctaws to explore their new country west of the Territory of Arkansas; and I was induced by his earnest solicitation, joined to that of my friend, General Coffee, to accompany the delegation, with a view of effecting, if possible, conjointly with Colonel Reynolds, the Chickasaw agent, an arrangement between the Choctaw and Chickasaw Indians, by which the latter might settle on the lands allotted by treaties to the former.

That arduous and unpleasant journey was performed by me cheerfully, although at much sacrifice in my business; and I am sorry to remark that not a word in reply to any of my letters, or the joint report made to the Secretary of War from Washington, Arkansas Territory, by Col. Reynolds and myself, has been received; and my object in addressing you this letter, is to call your attention to the joint report above-mentioned, and my letters generally on that subject; but more particularly to my letter of the 30th of May last, enclosing my account for the outfit and travelling expenses of the delegation, so far as the same could then be made out, which I hoped would have been examined, and the balance due me on it, together with my compensation as commissioner, duly remitted to me.

The balances due to the members of the delegation, I had induced them to believe would have been paid shortly after their return home. I have been much persecuted for these balances; and have made considerable advances on account of them since my return home, to such as found their families in distress for provisions, &c. If it be desired that I should complete the payment, please say so, and furnish me with the means. I very much regret that any delay should have taken place in the payment of these small balances. Since the publication of the treaty, I have observed that the pay of the members of the delegation is limited to one hundred days; but as Colonel Reynolds and myself believed it necessary to the accomplishment of the important object of our mission, that a thorough examination of the new Choctaw country should be made, to effect which, about one hundred and twenty-four days were consumed, I think, in justice to them, the whole time should be paid for. I was authorized to promise the chief Netchache three dollars per day. There were ten members including the chief.

I have the honor to be,

Very respectfully,

Your obedient servant,

GEORGE S. GAINES.

The Hon. LEWIS CASS,

Secretary of War.

P. S. Believing that a speedy removal of the Choctaws, and in a way to give them entire satisfaction, would incline many of the Chickasaws to remove also, and settle among them, and hasten the desired arrangement between the two tribes, Colonel Reynolds and myself addressed a letter to your predecessor from Little Rock, Arkansas Territory, recommending the route by Helena, on the Mississippi, and Little Rock. This route I still think the best for those going from the northern part of the nation, and more particularly for families intending to settle on the Arkansas or Canadian Fork; but, on more inquiry, I am now of opinion that it will be found necessary to open a road from the Yazoo settlement below Lafleur to some convenient point on the Mississippi, between the mouth of the Arkansas and Vicksburg; and thence to Washington, Arkansas Territory. The Mississippi swamp is so wide every where, as to require much labor to make a road through it for wagons to pass, even in the fall of the year; and if it be intended to remove any portion of the Choctaws this year, and a great number are now in readiness to go, I would respectfully suggest that the person who has been appointed to remove them, should be clothed with power to employ persons to open the roads, or that troops be detailed immediately for that duty. Indeed, the person superintending their removal should be very discreet, and empowered to act as circumstances might make it appear to him necessary for the interest of the Government, and for the comfortable removal of the Indians; otherwise, expensive and vexatious delays will inevitably ensue, injurious to the interests of the Government, and calculated to retard the emigration of the Indians.

GEORGE. S. GAINES.

GREEN BAY, *August 4, 1831.*

SIR: I have the honor to enclose my accounts for expenditures, made on account of the expenses of a deputation of Menomonie Indians, on their return from Washington city to Green Bay. And also for presents purchased and delivered to the Monomonie Indians, under certain treaty stipulations, concluded on the 16th day of March last, between the United States and the Menomonie tribe.

The council at which the presents were delivered, embrace the whole power of the Menomonie nation. I enclose you a copy of the instrument of writing, signed by the chiefs, acknowledging the payment of their presents, and giving the approbation of their tribe to the treaty concluded at Washington. I will send you my *talk* in council, with the original papers, by next mail. The sanction of every chief of the Menomonie nation is now obtained, and I feel high gratification in saying that nothing now retards the final adjustment of the unhappy difficulty between the Menomonies and New York Indians, but the ratification of the treaty by the Senate. Of this, there can be but little doubt, when that enlightened body become acquainted with its great importance to the Government, in the prosperity of this interesting country, and to the welfare of all the Indians interested.

I have charged four hundred dollars for extra travelling expenses from Green Bay to Washington and returning, during an absence of seven months; and have included in my account two hundred dollars allowed for my attendance and services, at a council held at Green Bay, in August, 1830, as certified by General Mason, one of the commissioners. My services in

bringing the Menomonie delegation to their homes are charged under the allowance made by the Secretary of War in his letter of instructions, dated April 21st, 1831. I have not included my services as Indian agent, which remain unpaid since the first day of January, 1831. My accounts as Indian agent up to December 31st, 1830, have been closed by the vouchers, forwarded to you on the 4th of July last, on my return home, and leave a balance against me of fifty and one-half cents. In settling my accounts at Washington, on account of expenses of Indian delegation, a balance was reported in my favor of four hundred and fifty dollars and eighty-nine cents. That balance still remains credited to me; and on the 6th of April, four thousand two hundred dollars were advanced me for expenses in returning home, which embraced all the public moneys I have received, and not heretofore accounted for.

If you find my accounts correct, please place the balance found in my favor to my credit at the Bank of Michigan.

I am, very respectfully,

Your obedient servant,

S. C. STAMBAUGH.

Hon. JOHN H. EATON,
Secretary of War.

CHEROKEE AGENCY, *August 4, 1831.*

SIR: It is now upwards of six weeks since I commenced paying out the annuity to the heads of Cherokee families and individuals who have no families, and have only paid out one hundred and nineteen dollars. I am paying them fifty cents per head, old and young.

On the 1st of July, Mr. John Martin, the treasurer of the nation called on me for the whole of it, and presented me with a large bundle of papers, purporting to be protests, by the Indians, against my paying the money to themselves, and requiring me to pay it to him. I, of course, refused to do so, and referred him to my orders.

They, the chiefs, have their understrappers or village chiefs in every village or settlement, who are untiring in their exertions to prevent the Indians from receiving it. They were first told that all those who signed the receipt roll were enrolled for the Arkansas: next, that all those who received it would be sued and compelled to pay double the sum received into the treasury; neither of these stories succeeding effectually, they were next threatened with the lash, the most powerful of all arguments with an Indian. This seems (at least, for the present,) to have put an entire stop to it, as I have not paid out ten dollars in the last three weeks.

An old man from the valley towns who had drawn three dollars for himself and family has this day returned, and the interpreter not being at the office, I could understand but little of what he said; but he seemed to be in great distress, and talked about the Cherokees being mad with him, and either had whipped or threatened to whip him, for receiving his annuity; and handed me three dollars, and went away. I suppose his object was, by returning the money, to save his back.

Most of those who have drawn are of the poorer sort, and say they intend to emigrate as soon as an opening is made to do so; and I know a number of families who would draw their annuity, if the emigration was

opened; but until that is done, I fear we shall pay out but little, as they are afraid to receive it, unless they have an opportunity to leave this nation.

Respectfully,

Your obedient servant,

H. MONTGOMERY.

To the Hon. SECRETARY OF WAR,
Washington City.

INDIAN AGENCY, *Green Bay, August 4, 1831.*

SIR: Having discharged the duties assigned me by that part of your instructions of the 21st of April last, which requires me to make known to the Menomonie Indians, "that the treaty recently made with their people, though not acted upon by the Senate at their last session, will, no doubt, be considered by them when they next meet;" and requests that I would "endeavor to suppress all disagreements and unkind feelings arising upon this subject; and awaken them to a disposition of living in amity with the United States, and resting satisfied and contented until the wants they have signified in the concluded treaty, can be heard, understood, and acted upon;" and that part, also, which requires me to distribute certain presents among the Menomonie Indians, "in such a way as would be most acceptable to them, and best calculated to effect the object of the additional agreement entered into, on the morning of their departure from this city," I have the honor of communicating the manner in which I have performed those duties, with the success attending it, for your consideration.

In obedience to my instructions, I met the Menomonie chiefs in council, on the 18th ultimo; the proceedings of which, I herewith transmit to you. It was the largest assemblage of Indians ever known within this agency; and comprised every chief of the Menomonie nation, with one exception. This chief being far in the interior of their hunting country, when he received notice of the council, could not arrive in time to be present; but upon his arrival, a few days afterwards, he gave his full sanction to the acts of the other chiefs, as you will perceive by his "acceptance" enclosed, marked B.

Aware of the responsibility of the position I occupied; deeply impressed with the importance of the objects to be accomplished; and anxious to effect a final adjustment of the unfortunate and perplexing difficulty, so long existing between these tribes, I determined to have a full understanding on the subject with the Menomonies. I accordingly took great pains to have all the chiefs and principal warriors of the nation present; and, also, the officers of the garrison at this post, and the principal inhabitants, to witness the proceedings, and give them a more solemn and imposing appearance. I endeavored, and I believe successfully, to place before the Menomonies their true condition—explain to them the character of their dispute with the New York Indians, the wishes of the President on that subject, and the nature and object of their treaty arrangement with the Government. Firm in the belief that all deception, or even obscurity or equivocation, should be carefully avoided in the transaction of business with Indian tribes, I left nothing unexplained which occurred to me as being connected with the subject before us; and made no promises that I did not believe would be fulfilled to the very letter. The accompanying report of the proceedings in council, with the annexed papers, marked A and B, will, however, show

the manner in which the trust confided to me has been executed; and will exhibit to you the Menomonie's acceptance of the treaty made with the United States, in a form which makes it binding and obligatory upon their tribe.

You will perceive, upon perusal of this report, that I made minute and strict inquiry upon every matter which I supposed might furnish an impediment to the confirmation of the treaty, for the purpose of obtaining correct information to lay before the Senate. The correct geographical knowledge of their country manifested by the chiefs, with their remarks concerning the charge that they had "encroached upon the lands of the Pottawatomies," have led to subsequent inquiries, and can be more appropriately commented upon in another report concerning the locality and advantages of the country, which I am required to make to the Department of War. I will, therefore, confine this communication exclusively to the proceedings had in council, predicated upon the controversy with the Waubenockies or New York Indians. The feeling evinced by the Menomonie chiefs on the subject of the provision made for these tribes, convinced me that their acquiescence in this arrangement was entirely the effect of a belief that the President so willed it, and that their dispute would now be put for ever to rest.

That this question would have been settled long since, I have no doubt, had the Government possessed correct information on the subject. It has now existed for more than ten years, has assumed a complicated and important form, and has become a serious and expensive burthen to Government. Yet I consider it a very plain case, and I believe the treaty, if ratified, will have secured its adjustment upon sound principles of law, of justice, and of common sense. As one of the commissioners who negotiated that treaty, I claim the right of offering my opinions on the subject, founded upon facts and circumstances which have come under my observation.

In entering upon an examination of the merits of this question, I declare myself divested of all party or personal feeling. I have no bias for or against either of the tribes concerned. I have no interests at stake, other than that produced by a desire to sustain the reputation of an honest and faithful public servant. The Government has large interests at stake, which have already severely suffered from the effects of this prolonged controversy; and believing that the future preservation of those interests depends upon a speedy settlement, I have determined to present all the proofs and allegations adduced by the New York Indians, with the simple, but earnest response of the Menomonies, before the Government, for its consideration and final decision.

The *friends* of the New York Indians have presented a long "appeal" in support of the "rights" of those tribes, for the consideration of the President and Senate of the United States. They have dated their determination to remove from the State of New York, as early as 1810. The evidence they have produced, then goes to show that their "wants and wishes" were expressed to President Madison, in 1815, through their "friends General Porter, Mr. Granger, and Captain Parish, of the State of New York," which solicited permission to remove "into the neighborhood of their western brethren." This appeal elicited a reply, signed by Mr. Crawford, as Secretary of War, dated February 12, 1816, granting their request. By virtue of this permission, various attempts were made to effect a purchase of lands in the "neighborhood of Lake Erie, and on White river, in Indiana," but the "wicked whites," in the language of their writers, always interfered, and "their attempts were unsuccessful." Determined, however,

in the purpose of "*locating a country for themselves*," they continued their applications to the Government till 1820, when *Eleazer Williams*, a half-breed of the St. Regis tribe, then residing among the Oneidas as a missionary, took the matter into his keeping. He proceeded to Washington in the winter of that year, and succeeded in obtaining authority for a delegation from the "Six Nations" to proceed to Green Bay, for the purpose of "selecting and purchasing a country." "This enterprise," says the writer of their "appeal," "was cordially approved of by the then President Monroe, as he proves by exhibiting a letter from Mr. Calhoun, Secretary of War, dated February 9, 1820, which purports to be a reply to a petition from Mr. Williams, and which "*allows three hundred dollars, a blanket for each of the exploring party, powder and lead, Morse's Geography and Gazetteer, and rations necessary for their support, to be drawn at the various military posts*" on the route. Another letter is exhibited of the same date with the above, from Mr. Calhoun to Governor Cass and General McComb, making known the objects of the exploring party, and "recommending it to their assistance while travelling through the Indian country." As additional links in their chain of evidence, three other letters, or orders, from Mr. Calhoun, are published by the advocates of the New York Indians; one is dated June 4th, 1821, which appears, from its face, to be a reply to another application from Mr. Williams, and *assures that gentleman* "that instructions had issued to procure provisions for the party at Detroit, Mackinac, and Green Bay." The other two bear the same date, June 21st, 1821: the first recommends "Solomon W. Hendricks and others to the attention of Indian agents, &c. in Michigan Territory," and the other is an order to the commissaries at the different military posts, to issue provisions to Solomon W. Hendricks and his companions."

It appears, further, from the "testimony" offered by the New York Indians that, after Mr. Williams had supplied himself with the funds of the Government and other necessities in 1820, the delegation set out for Green Bay, and had proceeded as far as Detroit, when they were informed that "THE tract of land which was the object of their pursuit, had been already purchased for the United States from the Menomonie Indians by Col. Boyer," the Indian agent at Green Bay. The "testimony" then goes on to show that the "delegation immediately retraced their steps, explained to the Secretary of War the causes of their failure, and *IMPLORED him not to ratify Col. Boyer's purchase!*" This petition, it appears, was granted; and in the summer of 1821, the delegation again started for Green Bay, joined by the deputation from the Stockbridge and Munsee tribes, headed by Solomon W. Hendricks. Mr. Trowbridge was instructed to accompany the delegation to Green Bay, and superintend their negotiations. On the 18th of August, 1821, a purchase was made from some of the Menomonie and Winnebago Indians, which is produced in the form of a treaty. The name of Mr. Trowbridge is signed to this instrument, among the witnesses, thus: "Chs. C. Trowbridge, agent for the deputation." The boundary defined by this treaty, embraces a tract of country on both sides of Fox river, extending from the foot of the rapids of the Grand Kackalin, to the rapids of Winnebago lake, a distance of eighteen miles, and running back on each side of the river, "equi-distant with the lands claimed" by the Menomonies. The quantity of land contained in this tract, may be justly estimated at eight hundred and sixty thousand acres; for which the New York Indians prove, by their treaty, they have paid *two thousand dollars in goods!*

The arrangement was approved by President Monroe on the 9th of February, 1822. This immense body of land, it was supposed, would satisfy the "wants and wishes" of the New York tribes; "but," says the author of their appeal, "the tract of country thus acquired, was found *too small* for the convenient accommodation of all the New York Indians, consisting of nine tribes," which are called the Oneida, Seneca, Onondago, Cayuga, Tuscarora, Stockbridge, *Brothertown*, St. Regis, and Munsee" tribes, "each of which claim, according to ancient usages, a separate and distinct location." Upon these representations, and the complaints of some of the tribes that their purchase was *too far from Green Bay*, they were again permitted to proceed to Green Bay, resume their negotiations, and extend their former purchase. In support of this movement, they exhibit the letters and instructions of Mr. Calhoun and Governor Cass, containing similar instructions to those already referred to. The expenses of this second deputation were also borne by the Government; they were joined at Detroit by Mr. Jno. Sergeant, jr., who was instructed to superintend the new negotiations by Governor Cass. On the arrival of the deputies at Green Bay, according to their report, a "council with the Menomonies was held, and a second treaty concluded," on the 23d of September, 1822—before any of the tribes had settled upon the land claimed under the arrangement made the year previous.

The boundary which is described in the second treaty, includes the whole of the Menomonie country east and north of Winnebago lake; it is about one hundred and forty miles in length, and seventy-five in width, containing six millions, seven hundred and twenty thousand acres!! The first signature to this "treaty" read thus: "*witness*, John Sergeant, jr., agent on the part of the Government of the United States." The provisions of this instrument are only partially approved of by the President, as appears from his "approval" appended, dated March 13th, 1823. I omitted to mention that this treaty, after conveying all the lands to the tribes from New York, *gives the Menomonies the right to occupy them* in common with these tribes; and also, that the consideration given for this cession was *three thousand dollars*, to be paid in three annual instalments *in goods*.

I have now given a concise, but accurate history, of the manner in which the New York Indians obtained the possession of land in this country; and have cited all the authority, and introduced all the testimony, in support of their claims, which they now ask the Government to sanction. You have access to all the letters and papers I have referred to, and will doubtless examine them. I have been guided in my research by the published appeal to the President and Senate of the United States, and to the feelings of the community, lately circulated by the friends of the New York Indians. They have, however, neglected to publish all the "testimony" which has heretofore been brought forward in support of the claims set up by those tribes. There is a "treaty," so called, in existence, and I presume filed among the archives of the War Department, concluded on the 8th day of January, 1825, between the Six Nations, St. Regis, Stockbridge, and Munsee tribes of the one part, and the *Brothertown* tribe of the other part, by which the former cede to the latter a tract of the same country which they allege they had just purchased from the Menomonies. For this cession, the *Brothertown* Indians appear to have paid nine hundred and fifty dollars—although this tribe is expressly named as one of the nine separate tribes who could not be accommodated by the first purchase from the Menomonies."

It was this movement, on the part of the New York Indians, that first alarmed the Menomonies. They had looked upon their strange neighbors as humble petitioners, "praying for a small piece of land for some of their people to rest upon, who, they said, were crowded out of the State of New York by the white man." But they now found out that they had been deceived; that the "*Nottoways*" were not only claiming their country, "but were selling it at a speculation to other tribes." This sale to the Brothertown Indians, too, was concluded some time after the Menomonies had protested against the further settlement of any of the New York tribes upon their lands. I will now proceed to lay before you the *declarations* of the Menomonies upon this subject, and the *testimony* by which these declarations are to be supported.

The Menomonie tribe of Indians and their friends deny having sold any of their country to the Waubenockies or New York Indians. They say that the deputies from these tribes only asked permission "to come and sit down with them, (the Menomonies;) that they would teach them how to cultivate the soil, and live together like brothers." They declare that the principal chiefs of the Menomonies were not consulted in the transaction, and that they never agreed to sell a foot of their land to the Waubenockies. In these declarations the Menomonies have acted consistently, as you will perceive from the testimony adduced on their part. They are much the weakest party in this controversy, and have apparently been entirely overreached; uneducated, poor and ignorant in business transactions, they were no match for their shrewd brethren from New York; and the few chiefs who did sign the instrument of writing ceding away their country, could not have known the contents of what they were signing, or the consequences which would result from it. They had no disinterested friend to appeal to sufficiently interested in their welfare, to step forward in their defence; and they were entirely left at the mercy of strangers, whose business with them was to obtain their land. The provisions of the treaty speak plainly on this subject. But, the friends of the Menomonies affirm, that the chiefs of the nation whose acts would be considered binding upon it by those acquainted with their national character, neither signed those treaties nor approved of their stipulations, in any shape or form. The evidence I have been able to collect elucidating this transaction on the part of the Menomonies, I will now lay before you.

In the year 1824, when the Waubenockies began to settle upon the land obtained in this country, the Menomonie chiefs were first apprized of the character of the purchase made from some of their tribe, and they immediately pronounced it a deception, and appealed to the President for protection. The first public expression on this subject which I have been able to find, is in the form of a memorial, dated June 16th, 1824, signed by the principal chiefs of the Menomonie nation, and addressed to the President of the United States. A copy of which memorial, with the affidavits, on the same subject, of three citizens of Green Bay, I have enclosed, marked C. The original is on file in the office of Indian affairs at Washington. The memorial is in plain language, and conclusively shows that the material party to the compacts of 1821 and '22 was entirely ignorant of their provisions. The affidavits are from respectable inhabitants, still residing here, who were present at the council of 1821; these affidavits corroborate the statement of the Menomonies, and if they can be believed, clearly prove that this tribe did not intend to sell their country, and that the chiefs who signed the trea-

ty were ignorant of its contents. These papers are respectfully recommended to your perusal and consideration.

The next item of testimony which the Menomonies are able to adduce, showing their early opposition to the settlement of the New York Indians upon their lands, is a memorial, dated September 21st, 1824, signed by James Duane Doty, United States district judge, and a number of other citizens of Green Bay; a copy of which is enclosed, marked D. The original of this paper is also filed in the office of Indian affairs; it is in support of what had previously been done by the Menomonie chiefs; and appears to have been elicited by the conduct of the agent of the New York tribes, in convening the Menomonies, and attempting to force the provisions of the treaties upon them. There are some curious and important facts, connected with the question at issue, disclosed by this memorial; and I take the liberty of recommending it to your attention. Notwithstanding the opposition it exhibits, however, the Waubenockies continued slowly to settle upon the land claimed under their treaties.

In the mean time, the Menomonies, relying upon the justice of the Government of the United States, whose protection they had solicited in this case, through their great father, the President, remained quiet on the subject until they appeared before the council held at *Butte des Morts*, in August, 1827, by Governor Cass and Colonel McKenney. The principal object of this council was to investigate the dispute between the Menomonies and New York Indians; and, if possible, settle the question of boundary between them in a way which would render justice to both parties, and effect the objects of the Government in permitting the original negotiations between them. The parties were here arrayed face to face; and Governor Cass, who was perfectly familiar with all the facts connected with their former transactions, so far as the Government was concerned, commenced a strict examination of the subject. Throughout the whole of this examination, the Menomonie chiefs adhered firmly to their former declarations that they "*had sold none of their land to the New York Indians.*" Every inquiry that was made by the commissioners was answered promptly, and apparently with a perfect understanding of the subject. The "journal of these proceedings" is in the War Department, and is worthy of your examination. I have made copious extracts from it, appertaining to the present investigation, which I enclose as paper, marked E. The first extract I have made, is the reply of the "first chief of the Menomonie nation" to the request of the commissioners for information, after Mr. Dean, the agent for the New York Indians, had submitted the documents in his possession, in support of their claims. These documents are the same that I have referred to in another part of this communication. I did not arrive at this agency until three years after the treaty of *Butte des Morts*, and cannot speak of the appearance of things there from personal observation; but, from the information I have obtained from the most authentic sources, I do not hesitate to say that there was a general expression of disapprobation against the conduct of the New York Indians. They refused to listen to the good counsel of the commissioners, and permit the settlement of their difficulty upon principles of law and justice; preferring to contest the question of their claims with the Government, under the written contracts which had received its sanction. The commissioners, then, disregarding the claims they had set up, went on to negotiate with the Menomonies for a cession to the United States, within the purchase set forth in their compact of 1822.

This treaty, like "that of Col. Boyer's," was opposed by Mr. Williams and other delegates from the New York tribes, who proceeded to Washington in the winters of 1827 and 1828, but with little success. It was ratified by the Senate, with a *proviso*, "that if the President of the United States should be of opinion that the boundaries thus established interfere with any just claims of the New York Indians, the President may then change the said boundaries in any manner he may think proper, so that the quantity of land, contained in the said tract, be not greater than by the boundaries herein defined." This confirmation, however, was suspended until February, 1829, in consequence of the exertions and influence of the friends of the New York Indians, aided by the excitement existing in relation to the "Indian question;" which unjustly was brought to bear upon this occasion.

The President being thus called upon for a decision on this question, appointed John S. Mason, esq., General Erastus Root, and James McCall, esq., commissioners, with instructions to proceed to Green Bay, investigate the controversy between the tribes, and, if possible, adjust the matter satisfactorily to both parties. These commissioners appeared at this place in August, 1830, and on the 24th of the same month they opened a council with the Menomonies, Winnebagoes, and New York tribes. The journal of these proceedings, with the report of the commissioners, are in your possession. I prefer recommending the *whole* of these proceedings to your examination, to making extracts from the notes in my possession. They present amusing and novel scenes, bordering closely upon the ridiculous. The St. Regis, Oneida, Tuscarora, Munsee, and Stockbridge tribes were represented by delegates. Mr. Dean, from New York, was present as the agent of the Brothertown tribe. The delegates had various counsellors with them in council, among whom was the Rev. Mr. Coulton, a missionary from Massachusetts, I believe, who appeared to take great interest in their affairs. Mr. Beal, of Green Bay, appeared as *attorney* for the Oneida and Stockbridge tribes. Much difficulty was experienced in organizing the council. The Menomonies objected to the interpreter, on the ground that he did not *speak their language*, but spoke the Chippewa, which they understood imperfectly. He was the same who interpreted at the treaty with the New York Indians in 1822! A proposition was made by the delegates of the New York tribes to hold a private conference with the Menomonies and Winnebagoes, which was rejected by the latter. At length, on the 26th of August, Charles A. Grignon was appointed as interpreter. The Menomomie chiefs then asked for a copy of the President's instructions to the commissioners, and said, "as the New York Indians are men of learning, yet they have employed white men to defend their case, we think we ought to have a man to defend our case." The Winnebagoes made a similar request; and Judge Doty was appointed counsel for the Menomonies, and Henry S. Baird, esq., for the Winnebagoes.

On the fourth day of the council the New York Indians presented a voluminous address, which they proposed to read to the commissioners, as its contents were intended exclusively for their consideration. This paper was an elaborate production, filled with commentaries upon national law, rights of Indian tribes, policy of government—entirely foreign to the question before the council. Mr. Augustine was told by the commissioners, after he had finished reading this address, that "the Menomonies wanted the New York Indians to define their claim—to say what they wanted." Mr. Augustine, who was a young Oneida from the State of New York, said they "had

now stated their *whole claim*, and they would answer in short to-morrow." Accordingly, on the next day, August 28, they described the following as the tract of country which they would now agree to take: "beginning at the *Rapid des Peres*, and extending up Fox river to *Winnebago rapids*, having a perpendicular width of 27 miles, and running to the northwest from the river 30 miles, and to the southeast as far as the Menomonie possessions extend." The quantity of land estimated in this tract is *one million two hundred thousand acres!* and contains all the valuable water power on Fox river.

The Menomonies were then asked by the commissioners what they had to say to this proposition? "Kaush-kau-nau-nien," or *Grizzly Bear*, was their chief speaker; and they protested forcibly against the injustice of this request, repeating all their former declarations "that they never intended to sell their lands to the Waubenockies." The commissioners then repeated to them the great desire of their great father, the President, to have this dispute settled between them and their brothers from the State of New York, and they should now say what they would be willing to give these tribes; that they had said they were willing to give them some land. The Menomonie chiefs then offered to give a tract, commencing "at the head of the rapids of the *Grand Kackalin*, and extending to the *Little Butte*, on the west side of Fox river, and running back thirty miles." The quantity of land in this tract is estimated at one hundred and forty-four thousand acres. This tract the New York Indians refused to accept, and the commissioners made *their* proposition, for the consideration of both parties. They proposed to give to the Brothertown tribe a tract "on the east side of Fox river, extending from the Little Kackalin up and along the river *five* miles to Plumb creek, containing twenty thousand acres;" to the Stock-bridges they proposed to give a tract, "including their present settlement, on the east side of Fox river, containing six thousand acres." This location is at the Grand Kackalin, about *four* miles above the upper line of the Brothertown grant. To the residue of the New York tribes the commissioners agreed to give a tract on the "west side of Fox river, including part of the Oneida settlement at Duck creek, and bordering but a short distance on the river, containing two hundred and fifty thousand acres."

With these propositions of the commissioners, both parties were dissatisfied. The New York Indians refused to accept them, and the Menomonies declared positively that they "would not give a foot more than they had already offered." After various other ineffectual attempts, by the commissioners, to bring about a compromise, they adjourned the council *sine die*, on the first of September. On the afternoon of the same day, the Menomonie chiefs assembled at my quarters, and, in the presence of Messrs. Mason and McCall, two of the commissioners, and a number of citizens, they expressed their determination to visit the President of the United States, and lay all their grievances before him, provided he would permit them to go. In compliance with their request, I made known their wishes to the President; and, when the answer was received, the delegates were selected and ready to proceed on their mission. I was careful, in making this selection, to take chiefs who could unite the greatest influence in the nation. And, anxious not to give the New York Indians any ground for complaint, I took with me, as one of the delegates, the "*Great Wave*," the only chief now living who signed the second treaty in 1822. The particulars attendant upon our negotiations at Washington, and the provisions of

the treaty concluded there, are known to you. I will, therefore, only say, in relation to these matters, that the treaty gives the New York Indians upwards of 500,000 acres of land, in one tract, including all their settlements on the west side of Fox river; for which, the United States have agreed to pay twenty thousand dollars. I will give you a faithful, and, I trust, a favorable description of this tract of country, in my report, after the examinations I am required to make are completed. It may be proper here to state, that, previous to going to Washington, and immediately after the council of last year, I held frequent conferences with the tribes interested, who reside here: used every exertion to allay unkind feelings which I found existing between them, and advised them to be friends. I strenuously endeavored to effect a good understanding between them, in order that they could go to Washington with some certain hopes of finally settling their dispute. The Menomonies always expressed a willingness to submit the whole matter to the President, and abide by his decision; and at one time I had succeeded in obtaining the promise of the Oneidas to sign a paper, assenting to the same proposition. I was also induced to believe, by one of the Stockbridge chiefs, that they would likewise consent. In consequence of this belief, I held a council with the chiefs of these tribes, early in last November, a few days before I left the agency with the Menomonie delegation for Washington. But, instead of accomplishing the object contemplated, and happily terminating this unfortunate quarrel, the New York delegates refused to fulfil their promises, and the Menomonies left the council much dissatisfied. After various questions propounded to me in this council, by *Mr. Marsh*, a missionary, residing among the Stockbridges, *John W. Quinney* pronounced the decision of that tribe not to "submit the matter to the President, unless the *right of an appeal to Congress* was reserved, if his decision would not be found satisfactory to them." *Mr. Eleazer Williams*, who was also present and interpreted for the Oneidas, gave the same decision for that tribe. Delegates from the New York tribes, you are aware, however, proceeded to Washington last winter, and were present at the treaty made with the Menomonies.

I have now, sir, placed all the facts of this case before you, that are within my knowledge. I believe I have omitted no testimony relied upon by either of the parties to make out their case. Upon that offered, on their part, the New York Indians have undertaken to argue the *legality* of their purchases of 1821 and '22. Now, what is the law which can be made to operate on this case? The act of 1802, March 30th, entitled "An act to regulate Trade and Intercourse with Indian Tribes, &c.," contains all the law to be found on the subject of Indian treaties. The 12th section enacts as follows: "That no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian or nation, or tribe of Indians within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by treaty or convention, entered into pursuant to the *Constitution*."

The Constitution of the United States, says, "He, [the President,] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators, present, concur," &c. See the second article, second section, and second clause of the Constitution.

Now, as neither Mr. Trowbridge nor Mr. Sergeant, were appointed commissioners to negotiate for the purchase of Indian lands; and as neither of the treaties made, in their presence, were sent to the Senate for approval,

they can have "no validity in law or equity," and their provisions are neither binding upon the United States, nor upon either of the tribes who may have become parties to them.

The New York Indians, however, contend that, inasmuch as the Government permitted their negotiations with the Menomonies, and approved of their subsequent removal upon the lands thus acquired, that therefore it is bound to sustain their claim at every hazard, and at any expense. These arguments, besides being entirely fallacious, are, under the peculiar circumstances of this case, extremely illiberal. In my apprehension, they are not the production of Indians. The ready acquiescence of the Government in their views, and the ultimate success of a system of diplomacy, *which I think a novel one*, upon which these tribes place so much reliance in making out their case, only go to show the kind feeling of the Government towards them; its great desire to indulge all their wishes, and assist them in their accomplishment. This feeling dictated the letters of Secretaries Crawford and Calhoun, and Gov. Cass. Other powerful reasons might have influenced these public functionaries, in seconding the desires of the New York Indians, so earnestly expressed.

The feelings of the people of the State of New York were also doubtless consulted; and the policy of the Government on this question may have had its due weight. But the Government did not request these tribes to remove from New York; nor did it direct their steps to Green Bay, after they had obtained permission to remove. Every thing was left to their own decision. The Government did nothing more than sanction that decision, and pay the expenses of carrying it into effect. I cannot accord, therefore, in the charge that "there is hardship in this case" towards the New York Indians. The conduct of the Government towards them has been kind and indulgent. The purity of their motives was never called in question, when soliciting permission to procure a piece of land from the western tribes to sit down upon "*as cultivators of the soil.*" Those who granted this permission could not have supposed it was intended to authorize the purchase of a territory containing *six millions of acres!*

The advocates of this claim have produced the report of Mr. Trowbridge to prove that "undue influence was exercised over the Menomonies by the French settlers," at this place, "during the council held in 1821." I have no doubt but that *improper* influence was used in this case, because *every* interference of this kind is improper, and I can appreciate the feelings of Mr. Trowbridge on the subject. He was sent with the New York Indians, to assist them in effecting an arrangement with the Menomonies, and he felt anxious that they should be successful in their enterprise. But if those who have quoted the report of Mr. Trowbridge could have referred to the journal kept by that gentleman on that occasion, they might have detected "improper influence," on the part of the delegates from the State of New York. They might have discovered that the "western Indians," refused to treat with their "eastern brethren" for three days; and were then induced to sign the treaty by a species of bribery on the part of the "civilized Indians," which scarcely would have been thought of by the "French inhabitants." A Winnebago chief took a great fancy to a *uniform coat* on the back of SOLOMON W. HENDRICKS, and upon condition that the Winnebago would sign the treaty, Solomon presented him with the coat. These are small matters, but they may as well all go together, and be taken for what they are worth.

I have no doubt but that improper influence, as I have before stated, was exercised by the French inhabitants. These people are generally intermarried with the Indians, and they will not permit them, if they can prevent it, to sell any of their lands, unless *they* are provided for by the conditions of the sale. These same French settlers would most probably have interfered to defeat the treaty made between the United States and the Menomones last winter, had it been negotiated here. I had to contend with this "influence," since my return this summer with the delegation, to prevent a non-concurrence in the treaty by the tribe, because there were no "reservations made for the half-breeds."

The same "pernicious influence," I presume, exists in all frontier settlements inhabited by Indians; and I believe the Government suffers much from imposition, in consequence of it, in treaty negotiations. I firmly believe that it would be an immense saving of expense to the Government, to transact all business of this kind with a tribe of Indians, at the city of Washington. A treaty cannot be made with a nation of Indians, near their own country, without assembling the whole tribe—men, women, and children—who must be fed while in council; and there will not be "influence" wanting to induce them to require a large amount of presents, before they will listen to any terms of negotiation.

I cannot perceive, however, by what parity of reasoning the "improper influence" of these settlers, if any did exist, can be made to bear upon the case before us, if that case is to be decided upon principles of law, of justice, of common humanity. This is a dispute between two Indian tribes, and one of these tribes cannot expect to excite sympathy in its behalf by publishing "affecting appeals" on the subject of "Indian wrongs." The Menomones are equally entitled to the protection of Government, with the New York Indians; and, acting the part either of a faithful guardian or an impartial judge, the Government cannot take the property of one tribe to bestow it upon another. If the Government is bound to sustain the New York tribes because it gave its sanction to their purchase of, and removal upon, the lands of the Menomones, surely it is, upon the same principles, bound to redress the wrongs sustained by this tribe, in consequence of the sanction which sent the stranger Indians into their country, and by which, they allege, they were cheated out of their lands.

I cannot leave this part of the subject, without again adverting to the "undue influence" so much complained of by the New York Indians; and which, I will presently show, branded some of the most respectable citizens of Green Bay as "enemies of their Government," and called out the military force of the country to attack and put them down, for daring to interpose "their opinions" in favor of the Menomones. These charges of "undue influence" can be safely retorted upon the New York Indians. *I know that* "improper influence is now, and always has been, exercised over the New York Indians, and which alone prevented an adjustment of their difficulties long ago. This baneful influence is still, for the same selfish purposes, preventing their adjustment. *I know that* this influence prevented the Oneidas, last winter, accepting the provisions of the Menomonie treaty; and I have good reason for believing that a similar influence operated upon the Stockbridge tribe. *They* have also deeply interested advisers near them, who spare no means to destroy their confidence in the Government, and thus keep up an excitement which must prolong the controversy, and, consequently, continue the advisers in their places. This

“influence” is considered so plain here, that he “who runs can read” it. Why does it escape the censure of the Government, and why are not proper measures adopted to prevent its exercise, when the most rigid measures were resorted to against the friends of the Menomonies, upon the mere report of their enemies charging “*undue influence*”? As I have shown by the testimony, the chiefs of the Menomonie tribe appealed to the President of the United States in the year 1824, protesting against the settlement of the New York Indians upon their lands. This “appeal” was seconded by the testimony of their friends; and the first reply they received to it was a letter from the War Department, attributing their opposition to the “improper influence of the inhabitants,” and directing the Indian agent at this place, among other things, to call upon the “*military at the post*” to assist him in suppressing this interference. I enclose you a copy of this letter, from the original in my possession, with an extract from the “orders” issued on the same subject, from the Adjutant General’s office to General Gaines, dated March 12, 1825, marked F and G. They are singular documents, and go far to expose the true character of this controversy. After perusing them, in connexion with the protests of the Menomonies the year previous, what will the *pamphleteer* for the New York Indians think of his declaration, which says, “Up to the period of the negotiation which terminated in the treaty of *Butte des Morts*, (in August, 1827,) HARMONY and CONFIDENCE had prevailed among the western tribes and those of New York.”

I have now presented for your consideration what occurs to me as the correct view of this case, in accordance with what I conceive to be a faithful discharge of my duty. I trust that I have succeeded in attracting your serious attention to this question, and that you will see the powerful reasons which exist for deciding promptly and definitely upon it. The facts and circumstances connected with the transaction, clearly demonstrate these truths: that the removal of the New York Indians from their lands in the State of New York, was a voluntary act of their own; that so strong was their desire to form a colony in this country, that they even opposed the “ratification of a former purchase” by the United States, which they alleged was “*the tract of land which was the object of their pursuit.*” This was “Colonel Boyer’s purchase,” and *only* embraced a tract of land containing about 1,024,000 acres!! They will also demonstrate that the country claimed to have been purchased by the New York Indians, and for which the Menomonies received \$5,000, would have sold to the United States, at the lowest price ever paid for Indian lands, for a sum exceeding \$500,000!! These “facts and circumstances” will also show that the Menomonies never did recognize these claims; and hence that the New York Indians can expect nothing more at their hands. Then, what course must be pursued to do that “equal and exact justice” to the parties which the nature of the case will admit of, in the present stage of their dispute? The provisions of the Menomonie treaty, I believe, furnish the best answer to this question.

This treaty, if it be ratified by the Senate, contains a provision which will secure to the New York Indians *a valuable tract of land, agreeably to law*; for which the United States are to pay the Menomonies \$20,000. To this treaty the New York Indians are not made a party; its conditions are, therefore, not binding upon them. It is an arrangement only between the United States and the Menomonies, which conveys to Government the

interest of this tribe in the contested territory; it gives the New York Indians a "certain claim" which no "improper influence" can affect. If the emigrating tribes find, when they come to remove on this land, that the quantity is insufficient, or the location not agreeable, they can apply to the Government to remove these objections; and, if their request is reasonable, it will unquestionably be complied with.

I believe that the interests of the Government at this time, and the *good* of the Indians, require that they should be located together on the west side of Fox river. If the Government entertains the same opinion, and good land cannot be found to supply the wants of the several tribes within the cession made by the treaty on that side of the river, an additional cession can be procured from the Menomones for a trifling equivalent. They will dispose of any reasonable portion of their land to the United States, but they will not agree that it shall be taken from them without price; and justice would not sanction such an act. The treaty, however, provides for the contingency just adverted to; one of its provisions gives the United States the power to possess all their country surrounding that allowed them for farming purposes, and the President can fix the price to be paid to the Menomones for this additional grant.

The Menomonie tribe had not sold any of their land to the Government, by which they secured annuities, before their treaty last winter; the New York tribes are receiving large annuities from the General Government and from the State of New York, for their lands sold in that State at a high price. These tribes are rich and the Menomones are poor.

I firmly believe that the true interests of the New York Indians will be promoted by the ratification of the Menomonie treaty. I most solemnly declare, that if I believed they would suffer one grain of injustice from its ratification, I would oppose it. Its provisions divest the Menomones of the control of the country, and vests it in the United States. Instead of contending with the Menomones for what they believe their rights, the New York tribes can appeal to the Government, which will then have the power to decide, and in which they have always found a steady and liberal friend. I feel confident that if these tribes were left to the exercise of their own judgment, with none but disinterested friends to counsel with, they would be well satisfied with the provisions made for them in the treaty as it now stands. Those of them who reside here appear to be a well disposed people, and would be valuable settlers to locate first in an Indian territory. I would be glad to see them settle on the delightful country, which, I verily believe, is secured to them by the treaty.

The feelings of the people of New York are doubtless deeply interested in this matter. They must feel great anxiety on the subject of the removal of the Indians from that State; which should be another and powerful inducement to bring the question to a speedy termination. After I complete the examination of the country ceded by the late treaty, agreeably to my instructions from the War Department, I will make a faithful report to you on that subject. If I believe that the provision made for the New York Indians, by the treaty, will not furnish these tribes with a sufficient quantity of land for the purposes of agriculture, I will respectfully recommend that the Government will negotiate for an extension of the purchase already made, in a southerly direction from the upper boundary line, after the ratification of the treaty. I will add, that before the confirmation of this treaty by the Senate, it would be useless to attempt any further negotiations with the Menomones connected with this subject.

I trust, sir, you will find a sufficient excuse for the latitude I have taken in the examination of this question, in the importance of the subject which it respectfully submits to your further consideration.

I have the honor to be, Very respectfully,

Your obedient servant,

S. C. STAMBAUGH.

To the SECRETARY OF WAR.

(C.)

The memorial and petition of the undersigned chiefs and principal men of the Menomonie nation of Indians, residing within the Michigan Territory, represents:

That when the New York Indians, or Nautoways, first came to this country, they asked the Menomonies to sell to them a small piece of their land. That the Menomonies replied to them, they had no land to sell; that their country was already too small for their numbers, and that they were themselves compelled to hunt upon other Indians' lands. That, notwithstanding this answer, the Nautoways held a treaty with some of the men of the Menomonie nation, at which none of the principal chiefs attended, and purchased, or pretended to purchase, a part of the Menomonies' country, the boundaries of which they knew nothing about. That the only men of this nation, who have any right to the country claimed by the nation, which extends from Lake Michigan to the upper part of the Wisconsin river, *now sign this paper*; not one of whom was present at that treaty; and that as soon as their backs were turned, some of their men, who had no right to dispose of the land, held the treaty; and whatever consideration was then paid, or has since been paid, they know not, having received no portion of the same. And as an evidence of the fact, that they knew nothing of that treaty, not one of the old inhabitants of this place was called upon, as is usual, to attend at the making of the same: and they are not accustomed to transact so important a business as this would have been, without asking their advice.

They state the same facts, or objections, to the second, or last treaty which is said to have been held; and their object now is, to, and they do, *protest* against any further settlements being made upon their lands by the Nautoways. "If any more should come here, what shall we do with our wives and children, whom we can now scarcely support? We beg of our great father to prevent any more of them from coming to this country. With the Winnebagoes we are united by kindred, yet it is with great difficulty that we can live upon terms of friendship even with them. We are satisfied with the settlement made here by the whites, *but we cannot admit any nation of Indians to settle in the country.*"

Green Bay, June 16, 1824.

MENOMONIES.

OASH-KOSH, <i>the Brave,</i>	his x mark.
JOSEPH CORRON, <i>son of Thomas,</i>	x
KETS-KAN-NO-NIEN,	x
PE-WAY-TINENT,	x
SAY-KEE-TOAK,	x
AMABLE CARRON,	x
MUK-KAY-TAY-WET,	x

This speech, memorial, or petition, made and signed in our presence:

H. B. BREVOORT, *Agent of Indian Affairs.*

JAMES DUANE DOTY, *one of the Judges of the Territory of Michigan.*

JQ. PORLIER.

JOHN LAWE.

ROBERT IRWIN.

J. H. LOCKWOOD.

GEO. JOHNSTON.

AGT. GRIGNON.

LAMT. FIFY.

LEWIS ROUSE.

EBENR. CHILDS.

PAUL GRIGNON.

L. GRIGNON.

TERRITORY OF MICHIGAN, }
County of Brown. }

Personally appeared before me, the subscriber, Paul Grignon, who being duly sworn, deposeth and saith, that he was present at the time the treaty, or arrangement, was held and entered into at Green Bay, in August, 1821, between the Menomonie and Winnebago nations, and the New York Indians; and that he is a native of Green Bay, and is well acquainted with the chiefs and head-men of the Menomonie nation; and that none of the head chiefs, or principal men of the nation were present at this council, but that the council was held with several men of little consideration in the nation; that the chiefs and principal men were then absent; that the brother of one of the chiefs came into the council and stated that he was sent, by the chiefs of the nation, to say that they had no land to dispose of; that they could not part with their lands, for they were already too small; and that they were obliged to go on the lands of the neighboring tribes to hunt. And further deponent saith not.

PAUL GRIGNON.

Sworn and subscribed to before me, at Green Bay, this 16th day of June, 1824.

JQ. PORLIER.

Personally appeared before me, the subscriber, Lewis Rouse, who being duly sworn, deposeth and saith, that he was present at the time the treaty, or arrangement, was held and entered into, at Green Bay, in August, 1821; and that he interpreted the French into English, and the English into French, at the council held between the Menomonies and Winnebagoes, and the Six Nations, and that from a long residence at the aforesaid Green Bay, he is well acquainted with the chiefs and principal men of the Menomonie nation, and that none of the head chiefs were present at this council, but the council was with men of some consideration in the nation; that the brother of one of the head chiefs of the nation came into the council and stated that he was sent by the head chiefs of the nation to say, that they had no land for sale; that they could not spare their lands, for their lands were already so small that they were obliged to go on the lands of the neighboring tribes to hunt.

LEWIS ROUSE.

Sworn and subscribed to before me, at Green Bay, this 16th day of June, 1824.

JQ. PORLIER,
Justice of the Peace.

Personally came before me, the subscriber, Pierre Grignon, who being duly sworn, deposeth and saith, that he is a native of Green Bay, and has resided in the vicinity of the same to this date; and that he is well acquainted with the chiefs and principal men of the Menomonie nation; and that he well understands and speaks their language; and that he was present at the treaty, or arrangement, made between the Menomonie nation and the New York Indians; and that none of the head chiefs or principal men of the nation were present at the council held in August, 1821, but the chiefs were absent from this place. That during the council, the brother of one of the principal chiefs came into the council, and said that he was sent by the chiefs to say, that they had no lands to dispose of; that their lands were already too small. And deponent further saith, that the interpreter did not explain to the Indians that were present at this council, that the agreement which they entered into was to sell their lands to the New York Indians; but that it was a permission to them to hunt on and cultivate a small piece of land like themselves; and that the council was held with men of little consideration in the nation, who, at the time, stated they had not the authority to make any final arrangement. And further the deponent saith not.

PIERRE GRIGNON.

Sworn and subscribed to before me, at Green Bay, this 17th day of June, 1824.

JOHN LAWE, *Ass't Judge, C. C. B.*

To the PRESIDENT OF THE U. S. OF AMERICA.

(D.)

The undersigned inhabitants of the township of Green Bay, in the county of Brown, and Territory of Michigan, respectfully show:

That the principal chiefs of the Menomonie nation of Indians *are opposed* to the settlement of the New York Indians upon their lands.

That within a few days past, many of the Indians of this nation have been collected at this place by the agent for the New York Indians, for the purpose (as he states) of making a payment, in goods, upon certain treaties which are said to have been made at this place.

That a council was held by said agent and said Indians, at which all of the principal chiefs refused to receive any of the goods, alleging that they had made no sale of their lands. That, nevertheless, goods were delivered to some of the inconsiderable men of the nation the day after the council.

That the said chiefs were told by the said agent and others, that it was useless to oppose said settlement of the New York Indians; that the Government was determined to establish it here.

The tract of country now claimed by the New York Indians, includes the most of the Menomonies' country; and the said chiefs wishing to protest against said treaties and said payment, called upon the undersigned inhabitants to attend them to Major Henry B. Brevoort, the Indian agent at

this place, that they might openly and publicly state their views upon these subjects.

Accordingly, this day thus attended said chiefs to the fence around the house of said Indian agent, when the following note was handed them by the servant of the said agent:

"Gentlemen: when I wish a number of Indians collected I will send my interpreter to let them know; no citizens dare call Indians together."

We would state that no "citizen" *called the Indians together* for this purpose, but it was a perfectly voluntary act on the part of the Indians.

Having retired several rods from the said agent's enclosure, we received the following note from the said agent. "Let them write their speech, and I will look at it. *At present I am engaged.*"

That shortly after we had retired to the village, and while yet assembled, one of the undersigned had the honor to receive the following note by the hand of said agent's interpreter:

"September 2, 1824.

"DEAR SIR: When business of such importance is wished to be transacted, it is necessary to ask the agent whether they are pursuing the proper mode; and if they are, when it will be convenient for the agent to see them.

"Respectfully, yours,

"HENRY B. BREVOORT."

"JAMES D. DOTY, Esq."

We do not think, from all the circumstances which have come to our knowledge, that the Menomonie Indians have been treated fairly in this business, as an evidence of which, we would respectfully solicit your attention to the foregoing proceedings of this day.

(Signed)

Farista Chapin,	sa x marque.	Lewis Rouse,
Paul Porlier,	x	N. G. Bean,
Benjamin Ecuyer,	x	C. Grignon,
Alexis Gardepiu,	x	Agt. Grignon,
Jean Bt. Jeanvaine,	x	Paul Grignon,
Dominique Brunette,	x	Bt. J. Jacobs,
Jean Baptist La Bord		Saml. A. Wheeler,
Amable Normand	x	Brisque Hyotte,
James Duane Doty,		James Vieux,
Geo. Johnston,		Amable Grignon,
L. Grignon,		Louis Gravalle,

To the PRESIDENT OF THE U. S. OF AMERICA.

(E.)

Extracts from the Journal of a Treaty made and concluded at Butte des Morts, on Fox river, in the Territory of Michigan, between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States on the one part, and the Menomonies, Winnebagoes, &c., &c., of the other part.

Tuesday, August 7, 1827.

The commissioners told the Menomonies that they wished them to say whether they recognized the claims submitted by the New York Indians, and that to give them time for a consultation before they made their answer, they would adjourn to 3 o'clock, P. M.

Met at 3 o'clock, P. M. First chief spoke.

"My Father: from the time that the stranger Indians first came here, we have no knowledge of having ever ceded any part of our country to them. When I heard of their arrival, I sent my brother to them to say, that we could not sell any part of our land, because it was so small. I did not go myself; I was sick."

Second chief.

"My Father: this is the answer the Menomonie nation makes to all the treaties which have been read here."

The commissioners then required that the names of the signers to the two treaties should be proclaimed, and the tribes asked respectively whether they recognized them as chiefs. The following is a list of the names, and the answers of their respective tribes:

First Treaty.

MENOMONIES.

Eskenanin,	no chief.	Machaonetau,	war chief.
Asakutaw,	do.	Spaniard,	do.
Weekaw,	chief.	Kiskunatum,	do.

The Menomonies who signed the receipt acknowledging payment for the grant, were—

	<i>(Great Wave,)</i>	chief, (denied signing.)
Asakutaw,	<i>(Spaniard,)</i>	do.
Ocquonekaw,	<i>(Pine Shooter,)</i>	do.
Iskakaw,	<i>(Scare-all,)</i>	do.
	<i>(Yellow Dog,)</i>	do.

Second Treaty.

MENOMONIES.

Oquommonikow	chief.	Wikmisaught,	war chief.
Pahmonikopt,	do.	Pyweekeenaugh,	do.
Saghkeltat,	do.	Wyhtchunighaugh,	do.
Wypuhkanchymin,	war chief.	Skikaughmy,	do.
Oshawwinnohmitch,	do.		

August 8, 1827.

The Menomonie chiefs addressed them, (the commissioners.)

Father: you shall hear from me what has passed between the New York Indians and my nation, and you shall hear the truth. Father: when they arrived in this country I was too sick to meet them, but I sent my brother to the Bay to take them by the hand.

They told us, on their arrival, that they had not come here for land; that they had enough in their own country; that they had come only to take us by the hand. We understood their object to be, not to purchase land, but to procure the grant of a small piece to sit down upon, that they might live with us like brothers. We never comprehended either that they wished, or that they had purchased any part of our territory. This is the absolute truth. Mr. Rouse, who is here, interpreted for my brother, when I sent him with the message. This is all we have to say.

Mr. Rouse was called, who stated, that the Menomonies understood that the land was to be used in common by the three nations. He did not understand it to be a sale. Mr. Williams, (a half-breed of the Oneida tribe,) expressed this belief also to Mr. Rouse. Mr. Grignon was present, who can state his impressions on the subject.

The commissioners again took into consideration the claims of the New York Indians; and, in order to ascertain from those persons who were present at the meeting, as regarded the construction of the terms of the treaty by the Menomonies and Winnebagoes—

Mr. Grignon was called, who stated that the interpreters employed at the treaty, did not interpret correctly, either to or from the Menomonies and Winnebagoes. The land intended to be transferred from them to the New York Indians, he understood was that comprehended between the Little Rapids and the Kackalin. It was so interpreted to the Menomonies. It was not a sale, but a loan. The New York Indians asked, as a matter of charity, that the Menomonies and Winnebagoes should let them have a small piece of land, promising to recompense them for it when they should return from their own country. Mr. Paul Grignon being called, said that the New York Indians did not ask to purchase land. They only requested that they might live among the Menomonies.

AUGUST 9, 1827, 3 o'clock P. M.

The commissioners inquired if the New York Indians had done. Their agent requested to put a few questions to the Menomonies and Winnebagoes.

The signers of the second treaty were called out and asked, if they did not agree that the New York Indians should have the land, and that they, (the Menomonies,) should live with them in common.

The Great Wave answered—

“Father: the New York Indians came to us in great distress, and we listened to them. They said, we are pushed out of our own country, and we come here to take you by the hand! We answered, since it is our great father’s pleasure, we are glad to have you with us. We are few, and possibly our country may be large enough for us all to sit down upon. They said, we are glad we have been sent here; we have been assisted much by our great father. We are looked upon as Americans ourselves. We call the Great Spirit to witness, that we will not injure you in any way. All we want is a small piece of ground to sow: we are surprised to see you in so bad a condition, and not more industrious.

“We thought our great father wanted farmers here, and that they would show us, and make us more comfortable. This is what we understood, and we appeal for the truth of it to Pricket, the interpreter, who was there. They said they would plough our fields, and give us cattle, and show us how to cultivate the ground.”

Mr. Dean asked the “Wave,” “Have not the New York Indians done as they agreed?”

Answer. They ploughed three little fields and a half!

Commissioners. Did you sign this paper?

A. We signed it without knowing the contents.

C. Describe the country you agreed to let the New York Indians have.

A. That between the Little Chute and the Kackalin.

C. Was this for the New York Indians alone, or for both of you?

A. It was to be held in common.

The second Menomonie chief then said—

“Father: the Great Spirit sees me here before you, and hears me speak the truth. I speak for my chief, who is yet young: he is the head chief of the nation. We are like you; you have many officers about you, but you are the greatest. So with us. You appoint your officers; we ours. When the chief heard what had been done, he wished to send to his great father, and tell him what was in our hearts, but he could not; we had not even recourse to the whites at the Bay. We had to consult among ourselves: we asked Judge Doty to aid us, because he was a man who knew the law. What I say, I say before all the nation, who can stop me if I lie.”

Mr. Doty, for the people of Green Bay, said that they were innocent of all that had been charged against them; denying altogether the truth of every thing that had been said, implicating their conduct.

Mr. Rouse denies that he was interpreter, and adds, that if he had been, he would have told Mr. Trowbridge at the time, that the transaction was unfair.

Mr. Schoolcraft being called upon, stated that Captain Smith has told him that he (Smith) was at Fort Howard when the second treaty was concluded, and refused to sign it, because he thought the transaction partial, and that the Menomonies were not properly represented.

(F.)

WAR DEPARTMENT,
Office Indian Affairs, March, 1825.

SIR: It has been represented to the Secretary of War, that the French settlers in the neighborhood of Green Bay, have very improperly interfered, to prevent the carrying into effect the arrangements made between the Menomonies and Winnebagoes, and the New York Indians, (and which have been sanctioned by the Government,) for a portion of the territory of the former for the latter to settle on; and that they have also endeavored to excite the Indians in that vicinity, to hostility against the New York Indians, with a view of deterring them from settling on the lands which they have acquired under those arrangements.

The conduct of these settlers, from the representation which has been made of it, is highly reprehensible and cannot be suffered by the Government with impunity. I am accordingly directed by the Secretary of War, to instruct you, forthwith, to take strong measures to suppress effectually, such improper and dangerous interference; and to prevent the evil consequences which it is calculated to produce, by rigidly enforcing against all who may be found, or known to be engaged in it, the provisions of the law of intercourse. The commanding officer of the post is ordered to co-operate with you should it be necessary, in carrying these instructions into effect. A copy of the order is enclosed.

It is very important to preserve peace between the Indians at Green Bay and the New York Indians who may join them; the arrangement between them to this effect having been made with the sanction of Government,

gives them a peculiar claim to protection against the acts of designing and intermeddling white men.

I am, very respectfully,

Your most obedient servant,

THO. L. McKENNEY.

Major HENRY B. BREVOORT,

Indian Agent, Green Bay.

(G.)

EXTRACT OF A LETTER, DATED

Adjutant General's Office, Washington, March 12, 1825.

It has been represented to the War Department, that the French settlers in the neighborhood of Green Bay, have improperly interfered to prevent the carrying into effect the arrangements made between the Menomones and Winnebagoes, and the New York Indians, for a portion of the territory of the former for the latter to settle on, and that they have also excited the Indians in that vicinity to hostility against the New York Indians, with a view of deterring them from settling on the lands they have acquired by the arrangement above-mentioned.

The commanding general requests that you will give immediate orders to the commanding officer at Green Bay, to co-operate with the Indian agent at that place, should it be necessary, in carrying into effect the instructions he has received from the War Department in connexion with this subject.

To Major Gen. GAINES, *Commanding,*

Eastern Department, New York.

Journal of the proceedings of a Council held at Green Bay, by Col. Stambaugh, U. S. Agent, with the Menomonie Indians.

At a council held this 18th day of July, A. D. 1831, at the agency-house, Green Bay, with the chiefs and warriors of the Menomonie tribe of Indians, for the purpose of submitting certain articles of agreement, entered into between John H. Eaton and Samuel C. Stambaugh, commissioners on behalf of the United States, and the delegates representing said tribe, in the city of Washington, on the 9th day of February last; and for the purpose, also, of delivering certain presents purchased for the said Menomonie tribe, under an article of agreement concluded between the parties aforesaid, on the 15th day of March last, Samuel C. Stambaugh, United States' agent, addressed the council as follows:

BROTHERS OF THE MENOMONIE NATION: I thank the Great Spirit, who gave life to the white and to the red man, for having brought us together this day as friends and brothers. I rejoice to see you all here at the hour appointed, because it tells me that your hearts are engaged in what you are about to do.

Brothers: you are not now assembled in council for the purpose alone of receiving presents, but upon a business far more important to you: it is to hear what has been done for the Menomonie Indians since you and I last held a talk together, under the direction of your great father, the President of the United States.

Brothers: listen to what I have to say to you. It is now but little more than a year since your great father said to me, go and live among the Menomnies, examine into the condition of their tribe, administer to their wants, and give them good counsel. I found you a poor, unhappy, but, as I believe, a very good people, and I soon loved you as my own brothers and sisters. You were involved in a dispute with the *Waubenockies* about your lands, which had lasted for many years; and, although you could look around you and proudly point to your vast forests, your lakes, and your rivers, as the property of your tribe, yet you scarcely had a home to rest in, and your poor children were starving and almost naked. The *Waubenockies* claimed a large portion of your country, and said they had purchased it from you, and paid for it. You denied having sold them any part of your land, and charged them with coming into your country under false promises and pretences. You both told bad stories about each other, which your great father heard, and he was very sorry. He keeps a watchful eye over his red children, and his heart becomes sad when he hears that they do not live in peace with one another. You all recollect, last summer, he sent three of your white brothers, as commissioners, a long journey over the great lakes, to settle the quarrel between you and the *Waubenockies*; but neither you nor your red brothers from New York would listen to the good words of these commissioners, and when the council broke up you were still angry with each other, and the dispute between you about your lands was left unsettled. You then came to me and asked permission to visit your great father, and make known all your difficulties to him.

As good and dutiful children, you professed to have full confidence in his wisdom and justice, and promised in all things to be guided by his counsel. I wrote to your great father, and told him all you had said; and, through your good father at Detroit, he gave you permission to visit him. You then chose your delegates, giving them full power to act for the Menomnie tribe, and they proceeded, under my guidance, to your great father's house. These delegates, at the head of whom was *Kaush-kau-nau-nien*, (Grizzly or Medicine Bear,) now have a seat in your council; I see them all before me; and your friend who now conveys my words to you was with us, and interpreted at all our public councils.

Brothers: I have now pointed out to you the situation in which I found you a year ago, and have noted all your public conduct from that time until your delegates stood before the great father of the red men. Listen to me, and I will tell you what was then done for the Menomnie Indians. We made known to the President and the Secretary of War the situation of your nation; your connexion with the New York Indians; your desire to have that matter settled, so that it would rest for ever; and, also, your wish to sell some of your land to provide food and clothes for your poor women and children. Your fathers heard your voice, and they said the Menomnies should be taken care of, and be poor and unhappy no longer. Brothers: I had considered well the situation of the Menomnie people, and I drew up an agreement, under the direction of your great father, with an eye alone to your welfare and happiness, and the justice and magnanimity of the Government of the United States.

On the 9th day of February last your delegates appeared before the President, in his house, and signed this agreement with your father, the Secretary of War, and myself, who were appointed commissioners for that purpose. Your great father, the President, and the Secretary of War, who is

the next great war chief to him, were well pleased with what we did, for they both love their Menomonie children.

Brothers: I will now read you a copy of this treaty.

[Col. Stambaugh here read and explained the treaty concluded February 9, 1831.]

Brothers of the Menomnie nation: I have now placed your present situation, both as it regards your connexion with the Government of the United States and with the New York Indians, fairly before you. The arrangement made for your benefit, as it stands in the treaty, could not have been improved had your whole nation been personally present in council. Its salutary provisions, when carried into effect, will make you an independent and happy people. The tears of your little children, who are now crying for bread, will be dried, and, after many years have rolled by, they will thank you and me for the act of mercy which has kept them from perishing. Brothers: look at your present condition. You are destitute of a home, and strangers in your own land; your wives and daughters are poor wanderers, pointed at and insulted as miserable beggars by those who are far beneath you in the powers of body and mind; your fine young warriors, too, are seen hungry and naked at the doors of the white man; their spirits bending under those scourges of the Indian, idleness and intemperance, which have been fast leading the Menomonie nation to disgrace and destruction. But these things, I trust in the Great Spirit, will exist no longer. You will henceforth be like a new people; you will have plenty of wholesome food and good clothes to wear; you will be provided with comfortable houses; and, hereafter, you can light your *council fires* in your own wigwams, and in those of your sons and daughters. Your great father has laid the foundation for your future comfort and happiness, and it now remains for you to secure a long continuance of those blessings, by faithfully obeying all his instructions.

Brothers: your good friend and brother, the Rev. Mr. Cadle, who now sits beside me, told you truly when he spoke to you the other day, and said that your great father was anxious to see your children educated like the children of good white men; and you have heard, from what I read to you, that a large sum of money is given to you for that purpose. How proud the Menomonies will be when their children can read and write, can calculate the prices of what they eat and wear, of the furs they have to sell, and the powder and ball they have to buy. You will then be able to protect yourselves from being cheated and abused by bad traders who may get into your country, or by faithless agents who, unfortunately, are some of us sent to live among Indian tribes.

Brothers: I am looking at the countenance of each of you, and find it stamped with the same marks of genius, mildness, and benevolence which brighten the features of the white man. You can and must become an enlightened and happy people.

Brothers: I have still something more to say to you about the treaty you have made with your great father. You have heard from what I have read to you that a large country has been set apart for your brothers, the *Waubenockies*, on the west side of Fox river, upon which they were requested to remove within the space of three years. When this provision was submitted to some of their friends, who are also the friends of the Menomonies, they asked us to alter it in such manner as not to limit the time of removal to three years, but to leave it discretionary with the President, who should also be vested with the power to apportion the land among such of the Wau-

benockies as would actually settle upon it. To this reasonable request no objection could be made, and I advised the chiefs to accede to it. Accordingly, it was granted by another "article" entered into a few days after the original agreement was signed.

[Col. Stambaugh here read and explained to the council the supplementary article of agreement, amending the treaty as above-mentioned.]

Brothers: your great father now hopes that the dispute with the Wau-benockies is closed for ever; that they will remove upon the land allotted to them, and that you will take each other by the hand in peace and friendship and let your council fires burn together. Your delegates have given them a much larger piece of land than you were willing to give in council last summer; but your great father so advised it, and he will not tell any of his red children to do wrong. You have all told me that you would listen to me and take my advice, and I now tell you that I trust every Menomonie will be satisfied with what has been done.

Your nation can now say it has done its duty as becomes a good people. You have given your brothers, the Waubenockies, a large and rich country upon which they can sit down and be happy. If they refuse, it is their fault; the Menomonies are not to blame.

Brothers: your treaty, as it now stands before you, was sanctioned by the President of the United States, and sent to the great council house of the nation, for the approbation of the wise men who sit there, to assist him in taking care of the interests of the white and the red man. The laws of the white man require that all articles of treaties must be sent to that council-house for confirmation or rejection. But those who hold council there had much business to do before they could reach the Menomonie treaty; and they adjourned to their homes before it came up for consideration. Your great father, the Secretary of War, and myself, however, were desirous of preserving the agreement which we considered so beneficial to the Menomonie nation, and the following articles were concluded with your delegates, which I will read to you:

[Col. Stambaugh here read the articles of agreement concluded on the 16th March, 1831.]

Brothers: under this agreement you now receive these presents. You see what a kind guardian you have in the President of the United States. He knew that you would be disappointed if you received no presents on the return home of your friends, and he authorized those I am about to give you, to be advanced on the credit of the agreement, which will be sent to the Senate at its next session. You do not receive as much now as if the treaty had been confirmed, but you will get the more hereafter. Next year your mills and houses will be commenced. Your cattle and farming utensils will be purchased and given to you, and comfort and happiness will surround you on every side.

Brothers: listen a few moments longer. You have now given, for the first time, a part of your land to your great father, the President, in order that your white brothers, living far off, may come and sit down among you to cultivate the soil and be your neighbors. By doing this you have secured great and lasting benefits to yourselves, which I have already pointed out to you. I have described the boundaries of this country to you. It all lies on the south and east side of Green bay and Fox river; running from the southern extremity of Winnebago lake, southeast to Milwaukee river, and down this river to its entrance into Lake Michigan, and along the shore of

that lake to the mouth of Green bay; thus including all your country between the lake, Green bay, and Fox river. Brothers: this boundary, as well as that on the west side of Fox river, your delegates, and the commissioners who framed the treaty, believe, from the best information they could obtain, faithfully defined the country of the Menomonie Indians. Your delegates had no hesitation in fixing the line; but I have since heard it whispered that your neighbors, the Pottawatamies, say that you have sold some of *their* land to the United States. Brothers: I do not believe this story. I do not think the Menomonies have claimed any land to which they are not justly entitled. As it is said in the treaty, the Pottawatamies and Winnebagoes, particularly the latter, have sold great quantities of their land, and are receiving large annuities from the Government; whereas the Menomonies had not before last winter sold any of their land, in consequence of which, other tribes were gradually settling upon it. This only shows the greater necessity of fixing definitely the lines of the Menomonie country, and of their giving some of their land to their great father, and thus obtain the means of taking care of the remainder. The country you have now sold was of but little use to the Menomonies in their present condition; and by the boundary which you have defined, on the west side of Fox river and Green bay, you retain a country large enough for every purpose of farming and hunting. The land which was selected between the big Butte des Morts and the little Kackalin, for your farming country, will furnish comfortable homes for yourselves, your children, and your children's children. I hope to live to see your fine fields covered with wheat, corn, and potatoes, and hear the Menomonie people say they are contented and happy.

Menomonie brothers: I have endeavored to place every provision of the arrangement you have made with Government before your eyes, that you can see and understand them. I want you to understand every thing well, that there may be no bad feeling hereafter upon pretences that you have been deceived. The treaty, as I have already told you, provides a large country for the New York Indians; almost four times as large as you have heretofore agreed to give them. I know some mischievous persons, who pretend to be your friends, advise you to oppose this part of the agreement, and tell you that the Government is cheating you out of your country to give it to strangers. Do not believe these bad stories. Your great father will not permit the stranger, white or red man, to cheat you, if he knows that they intend to do so; and he knows all about your quarrel with the Waubenockies. This unfortunate dispute, which has kept you so unsettled, so poor and miserable for many years, is now, we hope, for ever settled: and, for the land which you have given to the Waubenockies, or New York Indians, by this treaty, the United States is to pay you *twenty thousand dollars*.

Brothers: I have nothing more to say to you at this time about your treaty. I have carefully endeavored to explain it; and I trust you understand it all. But I must say a few words to you about the presents which I am about to distribute among you.

Brothers: you have often said, and now say, that your people have confidence in me, and will always be governed by my advice. Now I want to try the sincerity of these declarations. Listen attentively to what I say. I have been told that certain persons are prepared to exchange whiskey with you for your presents, which you are now to receive; and that you have agreed so to dispose of a great quantity of them. I cannot believe so bad a

charge against you. I do not think that the chiefs of the Menomonie tribe will permit their people thus to barter away the clothes necessary to cover their nakedness, and the guns, traps, and ammunition so necessary in their present condition to furnish them with food. If, however, there should be any among you so lost to shame, as to dispose of their presents in this way, I feel it my duty to tell you that I will report the fact to the President, and recommend that the offender or offenders shall receive no more favors from the Government of the United States. The great father of the red man is kind and merciful; but when he finds his children refractory, and thus willfully reject his counsel, his anger becomes terrible, and the punishment he inflicts is very severe.

Brothers: when you receive your presents, I will furnish you with all the provisions I have been able to procure; and I advise you then to break up your encampment, and leave the settlement immediately; go home to your own wigwams.

Brothers: I will now listen to any thing you have to say in reply to what I have made known to you. Speak freely, and let me hear the *voice of the Menomonie nation* in your answer; that I may send it to your great father. I hope to hear you say that you approve of what has been done for your tribe, by the delegates and commissioners at Washington, under the sanction of your great father, the President of the United States. If you do so, you will sign a paper which I will read to you, signifying that approval, to be sent to your great father, to be laid before the Senate with your treaty, for the consideration of the good men who sit there in council.

Brothers: I will now hear you.

Josette Carron, one of the two principal chiefs of the Menomonie nation, then rose and addressed his people as follows—

Brothers: you have all of you, chiefs, warriors, men, women and children, heard here, in open day, before all these, our white brothers, every thing that our father has said. When we do an act for the nation, you all know that we the chiefs, as well as our people, must be united. Brothers: I hope your ears have been open, and every thing our good father here has said to you, has gone deep into your hearts. The things which have been done for the Menomonie nation, at the council-house of our great father, last winter, has now been fully explained to us. It is a plain matter, and I am well pleased with it. I hope all of you are likewise pleased, and that not one of my people would be opposed to measures so wise and good. The Menomonies have heretofore been poor and unhappy; they believed their great father had forgotten them, and that they had no friends. Brothers: we now find we have a strong friend in our father here, and that our great father far off, also loves us. We have now given him a piece of our land, and he has promised to take good care of his Menomonie children, as you have heard by the treaty which our father has just read to us. Are you all satisfied? The chiefs and warriors replied with one voice, in the usual manner, "yes."

The chief then turned to the agent, Col. Stambaugh, and said—

Father: what you have said is heard by us all, and we are glad. You hear my people say so with one voice. The Menomonies all were satisfied when you went away last fall, that you knew what was best for them. You and our chiefs who went with you, have done what was good for the Menomonie nation, before our great father, the President. Father: I thank you for the whole nation; and, for them, now tell you that we want the treaty made strong.

Father: some of our friends wish to know, if the half-breeds are to settle on the land set apart for our farms. If they are permitted to settle there, by our great father, the President, I hope they will have their pieces marked out, to distinguish them from ours. Then, if they sell them, they will have no more. Father: we are satisfied that our children, the half-breeds, should come on our land; but they want to know if there has been no place kept for them, from the land sold to our great father, the President, on the east side of Fox river.

Father: we have heard what you know about educating our children. It is good; the Menomonies wish to have their children taught like the Americans. (Then presenting a venerable looking old man, the chief said:)

Father: I place this old chief before you, that you may see and remember him. The Menomonies now seem like a new people; they have a father that they all love, and we all want to be known to you. As one of our chiefs, I want this old man known to you.

Father: my friend here, *Kaush-kau-nau-nien*, will speak to you on behalf of the Menomonie people. We all look upon him as our counsellor with the red skin, and upon you, as our friend and counsellor with the white skin, who will always tell him what is good for the Menomonies. When I was a little boy, he was my father's friend, and was a great speaker; since my father died, he has been the *council chief* for the Menomonie people. Father, that was the reason he went with you to see our great father, last winter, because we look upon him as being wiser than our other chiefs, and we know our people would be satisfied with what he would do, under your advice. Father, I have nothing more to say.

Kaush-kau-nau-nien, "Grizzly Bear," the chief orator of the Menomonie nation, then rose and said—

Father: you have heard what the chief has said, I can now hold up my head, and am not ashamed. Let those who questioned the authority by which I acted for my people at Washington, last winter, now hear the answer of the whole Menomonie nation.

Father: the heart of Kaush-kau-nau-nien is glad. Look around and see all the Menomonie tribe—chiefs, warriors, men, women, and children, all are present—they have listened with open ears, and glad hearts to what you have said, and you see no dark clouds among them: all is clear as the bright sun.

Father: you hear my voice only, but it speaks for the Menomonie nation. We understand well the provisions of the treaty, as you have explained them to us. The country pointed out as the country of the Menomonies, was ours; part of it is now our great fathers. No red or white man dare say I lie. Before last winter we sold none of our land; but our brothers, the Pottawatamies and Winnebagoes, have sold much of theirs, and they are getting a great deal of money from the Government every year; when the poor Menomonies get none. Now it appears that they want to claim some piece of the land we have sold, because we have suffered them, like Waubenockies, to sit down upon it, and did not with a strong arm drive them away.

Father: we, the Menomonies, look up to you to protect us in our rights. Our great father at Washington, promised last winter, before the Great Spirit, to take care of his Menomonie children, and not permit them to suffer wrong. We feel it in our hearts that he will keep his promise. Father, I again say that our line begins at the river, at the south end of Winnebago lake, and runs back to Milwaukee, as you read it in the treaty just now.

Father: with respect to the Waubenockies, you know our whole hearts. We have always said the same thing; the Menomonie chiefs never sold them a foot of land. Our chiefs long ago sent word to our great father to take them away, but we were not listened to. It appeared as if we had no friends; but the Great Spirit heard us speak, and we at length found our way to the ears of our great father. At Butte des Morts, some years ago, our father from Detroit, and another commissioner, held a council with our people. I was then on the Mississippi, counselling our people there on a serious subject to my red brothers. But the chiefs who are now present, were then there and stood face to face with the Waubenockies, and they then thought that all their troubles with these people were closed. Our fathers then spoke good words to us, and we rested awhile in peace. But after awhile there were other commissioners sent here, and the Waubenockies again claimed our land. Father, we told these commissioners the same truth, that we had never sold any of our country to the tribes from beyond the lakes. Then they went away, and we went straight to the house of our great father, and laid the whole matter before him.

Now, my father, you know all that was done at Washington, was done in open day, and our great father was satisfied. Father: we have given the New York Indians a large piece of land, because you said our great father wished them to have a home in our country, and we took your advice. Father: your words to us sounded good; you told us that all our difficulties should have an end, and that the Menomonies would become a new people.

Father: the hearts of the Menomonie people are one heart. You have a home in it, and we want to keep you there. Now you have heard what we have said to you. We want you to send all we say to our great father, with this PIPE. Tell him that I send it; and when he smokes with it, he will think of his Menomonie children.

Father: when we return from our hunting ground next spring, we hope to hear you gladden our hearts, by telling us that the great council-house of the nation has said the Menomonies shall have justice. Then we will sit down and be contented in our own country. I have nothing more to say.

After the chief sat down, the agent rose and said—

My brothers: I am rejoiced at the success of this day's work. You deserve to be a happy people. I have heard every word your chiefs have said. They have spoken like good and sensible men, who have the welfare of their people at heart.

Brothers: the answers of your chiefs convince me that you all understand every condition of the arrangement you have made with the Government of the United States. The Menomonies can now point to their own country, and no one can come and take it from them. They have made a firm and powerful friend in the President of the United States. His justice is like one of the great rocks of your lakes, it cannot be moved. You have now drawn a line between the countries of the white and red man. You have kept the side nearest your western forests: this is right. Some of your people will, no doubt, remain hunters a few years longer. But after awhile I hope to see your country thickly settled, and closely bordering on the dividing lakes and rivers, from Lake Michigan to the Mississippi. Other tribes will come and sit down beside you, as you and your great father, the President, may direct; and your rich lands will soon be covered with the comforts which you so much require.

Brothers: I will send all that has been said this day to your father, the

Secretary of War, that he may tell your great father, the President, and the members of the great council-house in Washington, what has been done at this council. Brothers: I will now read you the *paper** I now hold in my hand, which gives your assent to what has been done, and acknowledges the reception of the presents, given to you under the articles of agreement made to preserve the provisions of your treaty. When you sign this paper, every article of your arrangement is made binding upon the Menomonie tribe.

Brothers: there are no reservations made for half-breeds on this side of the river. If you want to give them land, you can apply to your great father, the President, to permit them to settle on your farming country across the river. That is large enough for you all.

Grizzly Bear replied—

Father: I know the half-breeds cannot settle at this side of the river. I told them they might go with us to our farming country on the west side of the river. Father: we have nothing more to say.

The above talk was held in open council, in the presence of the witnesses whose names are signed to the instrument hereunto annexed, and the inhabitants of Green Bay generally. After signing which instrument, the council adjourned *sine die*.

A. G. ELLIS, *Sec'y.*

Whereas, an arrangement was entered into on the 8th day of February last, between John H. Eaton and Samuel C. Stambaugh, commissioners appointed on behalf of the United States, and the chiefs and head-men of the Menomonie Indians, by which certain portions of their lands on Fox river and Green bay were ceded to the United States; and said agreement having been laid before the Senate of the United States, but not acted upon by that body:

Now, therefore, for the purpose of preserving the provisions of said agreement, and as a further evidence of the confidence and good feeling existing between the parties, they hereby stipulate and agree, that the said articles of agreement heretofore entered into, shall be laid before the Senate of the United States, at the ensuing session, and if sanctioned, that each and every article thereof shall be as binding and obligatory upon the parties respectively as if they had been sanctioned at the late session of Congress.

In consideration of which, it is hereby requested by the Menomonie chiefs, and agreed to on the part of the United States, that presents be delivered at Green Bay, to the Menominie nation, immediately on the arrival at home of the present delegation, to the amount of five thousand dollars; and that eight hundred dollars more be immediately paid for the erection of an interpreter's house and a blacksmith's shop, at Green Bay, for the benefit of said tribe. Also, that the sum of two hundred dollars per annum be paid for such medical aid as may be necessary for the Menomonie nation, applied under the direction of the United States' agent at Green Bay; the first two hundred to be paid for services during the present year.

The six thousand dollars hereby stipulated for, is considered necessary to satisfy the Menominie tribe, on the subject of the failure in fully accomplishing an arrangement which would have settled the long existing disputes between the Menomonies and New York Indians. And said sum shall be charged

* See paper marked A.

as part of the amount secured to be paid under the original agreement, after it shall have been approved by the Senate.

And whereas, by the treaty of Butte des Morts, of 1827, as well as by other acts, prior and subsequent to that time, a small band of the Winnebago Indians were made a party to the dispute between the Menomonie and New York Indians, as if they were part owners of the land in controversy: Now, therefore, for the purpose of preventing disputes or misunderstandings between the said tribes in future, the delegates of the Menomonie nation respectfully request the President of the United States, to make known to the Winnebagoes the provisions of the late agreements entered into by the parties hereto, and to settle the boundary line between the Winnebago and Menomonie country, as soon as practicable.

It being very important for the safe transaction of business with the agent of the United States, that the Menomonie nation should have an interpreter who can understand and speak their language, they therefore respectfully ask their great father, the President of the United States, to cause such interpreter to be appointed for them, in addition to the present United States' interpreter, who speaks the Chippewa language only. The refusal, on the part of the President, however, to comply with the two last requests here made, shall not impair any other part of this agreement.

In testimony whereof, the parties respectively who signed the original agreement, and who intend to make this a part of the same, have hereto set their hands and seals, this sixteenth day of March, 1831.

JNO. H. EATON, [L.S.]

S. C. STAMBAUGH, [L.S.]

Kaush-kau-nau-nein, *Grizzle Bear*, his x mark. [L.S.]

Aya-ma tau, x [L.S.]

O-ho-pa-shak, *Small Whoop*, x [L.S.]

Koma-ni-kin, *Big Wave*, x [L.S.]

Koma-ni-kin-no-sha, *Small Wave*, x [L.S.]

Ah-ke-ne-pa-weh, *Standing Earth*, x [L.S.]

Mash-ke-wet, x [L.S.]

Shau aunno, *South*, x [L.S.]

Che-mi-na-no-gwet, *Cloud*, x [L.S.]

Pa sha nah sheuh, x [L.S.]

Che-ca-cho-ke-mah, *the Chief*, x [L.S.]

(A.)

At a council held on the 18th day of July, 1831, with the chiefs and warriors of the Menomonie nation by Samuel C. Stambaugh, United States' agent, for the purpose of communicating to the nation certain arrangements entered into at the city of Washington, between the United States and the representatives of the Menomonie tribe, and of delivering presents to the amount of five thousand dollars to the said tribe, in pursuance of an article of agreement concluded on the 15th of March last, the following instrument of writing was explained to, and signed by said chiefs on behalf of their nation.

Whereas, certain articles of agreement were made and concluded at the city of Washington on the 8th day of February last, (1831,) between commissioners appointed on behalf of the United States, and the delegates of the

Menomonie tribe of Indians, whereby the said tribe ceded certain portions of their land on the east side of Fox river and Green bay, to the United States, for the benefit of their white brothers; and another portion on the west side as a home for the New York Indians. These articles of the said treaty, with the supplement thereto, being this day read and explained to the Menomonie Indians in full council assembled, we the chief and head warriors of said tribe, holding the whole power of the nation, upon full and mature consideration, do give our sanction to each and every article of said treaty, and do highly approve of all its provisions. And whereas, certain other articles of agreement made and concluded by the said parties on the 15th day of March last, for the purpose of preserving the provisions of the aforesaid treaty, until acted upon by the Senate of the United States at its next session, have been also read and explained to us, now, therefore, we, the chiefs and warriors of the Menomonie nation aforesaid, having answered this agreement, do highly approve of each and every article thereof; and we hereby acknowledge to have received the full amount of presents secured to us by the said last mentioned articles, in full satisfaction and payment of all their stipulations, and for the purposes for which they were intended. In testimony whereof, we, the chiefs and warriors of the Menomonie nation, hereunto sign our respective names, at Green bay, this 18th day of July, 1831.

CHIEFS.

Joseph or Josette Carron,	his x mark.
Kaush-kau-nau-nien, or Ma-con-ma-tan, or <i>Medicine Bear or Grizzle Bear</i> ,	his x mark.
Ah-yam eh-taw,	his x mark.
Ko-ma-ni-keen, <i>Big Wave</i> ,	his x mark.
Komah-ni-keen-oshah, <i>Little Wave</i> ,	his x mark.
O-ho-pah-shah, <i>Small Whoop</i> ,	his x mark.
Pee-wayh-tee-net, <i>the Rain</i> ,	his x mark.
Mau-bau-zo,	his x mark.
Cha-naw-pau-meh, or <i>The one-they-look-upon</i> ,	his x mark.
Meh-sheh-neh,	his x mark.
Kee-shee-an-ko-teuh, <i>Flying Cloud</i> ,	his x mark.
Wan-boate, <i>The Rabbit</i> ,	his x mark.
Kaa-a-shoh, <i>The Sun</i> ,	his x mark.
Ah-wah-sha-nee-chee-un, <i>The Little Bear, or Infant Bear</i> ,	his x mark.
Pah-mo-ne-kot,	his x mark.
Monsh, <i>The Moose</i> ,	his x mark.
Pan-ne go-non, <i>The Big Soldier</i> ,	his x mark.
Sho-nee-nenh,	his x mark.
Ophan-wan-no ma-tenh,	his x mark.
Ma cha-an naw-guet, <i>The Bad Cloud</i> ,	his x mark.
The Spanian,	his x mark.
The Grape,	his x mark.

The above paper was read and explained to the Menomonie chiefs and warriors by S. C. Stambaugh, United States' agent, and their names signed thereto in our presence.

N. Clark, *Capt. 5th Infantry.*

Robert Irwin, jr.

St. Clair Dorney, *Lt. 5th Infyry.*

William Dickinson,

John P. Arndt

A. J. Irwin,

J. L. Thompson, *Lt. 5th Inf'y.*

Richard F. Cadle,

Daniel Whitney,

Henry S. Baird,

Jno. H. Whistler,

Jos. Dickinson,

Geo. Johnston.

Witness to the above and within signatures:

JOSEPH JOURDAIN, *United States' blacksmith.*

EBEN CHILDS.

RUFUS HUNTER.

RICHARD PRICKET, *U. S. Interpreter*, his x mark.C. A. GRIGNON, *Menomonie Interpreter.*

A. G. ELLIS.

(B.)

Whereas the undersigned, one of the principal chiefs of the Menomonie nation being absent in the Indian country at the distribution of presents to the Menomonie nation, secured to them under certain articles of agreement, concluded at Washington on the 16th day of March last, and was unable to reach Green bay in time to be present at the council held for that purpose on the 18th ultimo; and having this day held a talk with S. C. Stambaugh, United States' agent, the above, with the several articles of agreement concluded at Washington city last winter, between John H. Eaton, Secretary of War, and Samuel C. Stambaugh, Indian agent, on behalf of the United States, and the delegates of the Menomonie tribe, on behalf of their nation, being fully explained to me, now, therefore, in confirmation of the acts of the other chiefs, I do hereby declare my full and entire approbation of each and every article of said treaty or agreement, with the supplement thereto, and desire that the same may be recorded as the act of the whole Menomonie nation of Indians. And I do moreover join with the other chiefs in acknowledging the receipt, by our nation, from Samuel C. Stambaugh, United States' agent, the sum of five thousand dollars in presents secured to us by the articles of agreement entered into on the 16th day of March, aforesaid, in full satisfaction and payment thereof.

In testimony whereof, I have hereunto set my hand and seal, this 2d day of August, A. D. one thousand eight hundred and thirty-one, (1831.)

OASH-KASH *The Bear*, his x mark.

The above paper was fully read and explained to *Oash Kash*, one of the principal chiefs of the Menomonie nation, and signed by him in our presence.

RICH. F. CADLE, *P. E. Missionary at Green Bay.*

J. D. DOTY.

WILLIAM DICKINSON.

ROBERT IRWIN, jr.

RICH. PRICKET, *U. S. Interpreter*, his x mark.CHICAGO, *August 8, 1831.*

SIR: By the treaty of Prairie du Chien, of July 29, 1829, there is reserved from cession to Aun Kote, a chief of the Pottawatamie nation, four sections of land at the village of Saw meh-naung, on Fox river of the Illinois. Aun-Kote wishes to obtain permission to exchange this reservation for four sections at the Grand Bois, adjoining the reservation of Waw-pon-eh-see. I have made inquiry in relation to the relative value of these lands, and from the information I have obtained on the subject, I am inclined to

think that the United States would be the gainers by the exchange, in consequence of the rapid growth of the white settlements in the vicinity of the village of Saw-meh-naung. I do not know whether the power of permitting this kind of exchange is vested solely in the President, without the interference of Congress; if it can be effected, I think it desirable, not only as a source of gratification to the applicant, but also as a matter of interest to the Government.

I should be extremely glad to know what disposition is to be made of the garrison here. I am at present occupying a portion of it for the use of myself, interpreter, and blacksmith, the balance is tenanted by emigrants and others; there are no houses here for agent, interpreter or blacksmith: those buildings formerly constructed for their use have become private property; the ground on which they are situated having been laid off under the authority of the canal commissioners into town lots and sold, without reserving the buildings; they are now owned by the estate of the late agent.

By a late circular of the Acting Secretary of War, I am directed to make all communications to the War Department through the superintendent; but not knowing who now supplies the vacancy occasioned by the recent call of Governor Cass to the cabinet, I am induced to trouble you with this communication.

I have the honor to be,

Very respectfully, sir,

Your most obedient servant,

THOS. J. V. OWEN, *Indian Agent.*

The Honorable SECRETARY OF WAR.

ALLEGHANY ARSENAL, PA. *August 10, 1831.*

SIR: The contractor for the five hundred ploughs, intended for the use of the Indians, with a view of availing himself of the probable high water in the Ohio towards the first of September, will forward his work as rapidly as possible.

I request therefore to be informed, at what particular place, on the Mississippi, and to whom the ploughs are to be sent.

I have the honor to be,

Respectfully,

Your most obedient servant.

R. L. BAKER, *Major U. S. A.*

The Hon. SECRETARY OF WAR, *Washington, D. C.*

WEST LIBERTY, OHIO, *August 11, 1831.*

SIR: I have this day drawn upon the Secretary of War in favor of Hiram M. White, for \$266 70, for a bill of items which accompanies the draft. I have not had time to cash another draft upon the department since the one in favor of the cashier of the Bank of Michigan, drawn about the 1st of July, and am now out of funds.

I shall have occasion to draw again as soon as I can find a convenient opportunity.

I have no instructions as to any particular *form* for taking vouchers, and

have taken them as I thought would prove satisfactory; always with witnesses, when they could be procured. If there be any particular form necessary, please send it to me.

I have the pleasure to inform you that, after much difficulty and fatigue, I succeeded in concluding a treaty with the Shawnees of Waupaghkonetta on Monday last, for a cession of the whole of their lands in Ohio, which I shall forward to the Secretary of War as soon as I return home. I think it is very advantageous to the Government, and the Indians are delighted with their *bargain* and future prospects.

The treaty formed at Lewistown, on the 20th July, has been transmitted to the President. I know nothing of the etiquette used in forwarding such documents, and therefore I claim extenuation for blunders.

This is a crude and hasty letter. I am almost worn down by exposure and exertion, and am hurrying home to my family; part of whom, I learn, are sick.

Believe me, most sincerely,

Your obedient servant,

J. B. GARDINER,
Special Agent, &c.

S. S. HAMILTON, Esq.

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, August 11, 1831.

SIR: I take the liberty of enclosing to you the copy of a letter received from Peter Menard, jr., sub-agent for the tribes on the Illinois river, with a petition, or talk, from *Chamblie*, an Ottawa chief, to the President; and the talk of *Senachewin*, the principal chief of the Pottawatamies of that river, in relation to their claims and distressed situation, requesting permission to visit the President, for the purpose of explaining to him the injustice which they believe has been done them, and to obtain redress.

To give you their views on this subject, I beg leave to refer you to my letter of the 15th September, 1830, and to their various petitions and talks, which have been forwarded to the department.

Those bands are unhappy and much dissatisfied; and, as no answers have been received on the subject of their petitions, the chiefs are very solicitous to appear before the President to assert their claims.

I am inclined to believe that strict justice has not been extended to those Illinois and Fox river bands, and beg leave to suggest that a council be held with them, and a liberal allowance be made for the deficiencies of which they complain; and, at the same time, obtain their assent to the treaty and a relinquishment of their claim to the Mississippi river, embracing about half of Rock Island, and all the islands above that as high as the Wisconsin river; to which, it appears, their title has not been extinguished by the treaty of cession, at Prairie du Chien, of the 29th July, 1829.

I have the honor to be,

With high respect,

Your most obedient servant,

WM. CLARK.

The Hon. SECRETARY OF WAR, *Washington City.*

PEORIA, SUB-AGENCY, *July 30, 1831.*

SIR: A party of Indians from the Popau Grove, headed by Shabanie, Captain Hill, and some of his braves, from the waters of Spoon river, and a number of the Illinois river Indians, arrived here to day. The chief object of their mission was to learn if the President had sent an answer to their talk, &c.

They are under the apprehension that their talks, letters, &c., when once read, are laid aside, and never afterwards remembered; and think, if they could obtain a personal interview with the President, he would do them the justice they claim. Under this impression they have requested me to write to you, and procure permission for them to proceed to Washington. They earnestly hope you will use your influence, &c., to have their request acceded to, stating, that as you were well acquainted with their claims on the justice of their great father, and the amount of injury done them both by Indians and whites, you could have no objection to aid them all in your power; and, I myself believe that, if four or five of the principal chiefs of the united tribes of the Illinois were permitted personally to lay their grievances before the President, more especially the injury they are laboring under by the treaty of Prairie du Chien of 1829, it would be of essential benefit to them.

I have the honor to be,

Very respectfully,

Your most obedient servant,

PETER MENARD, jr., *Sub-agent.*

General WM. CLARK,

Supt. Indian Affairs, St. Louis.

Talk of Chamblie, principal chief of the Ottawa tribe, to President Jackson, delivered in presence of a deputation of the united tribes of the Illinois river, on the 30th July, 1831.

FRIEND AND FATHER: I have been called, by my friends around me, to whisper to you a few words, which, we hope will not give offence, as this is not our design; for, we never wish to hurt the feelings of any white man.

Father: the treaty of 1829, held at Prairie du Chien, is very repugnant to our feelings, and we view it as our duty to tell you of it. We have repeatedly written to you, but to no purpose. In our writing we have explained to you the manner we had been deprived of our lands, and never received any thing for those lands that were apportioned to us by the Great Spirit, our common Father. Last year a few of our chiefs went to Chicago, and got a small amount.

I will not tire you with a long story that will probably be slighted as the others have been. I will say no more on the injury done us. We, the united tribe of the Illinois river, ask of you, as a favor, to defray our expenses to Washington, in order to give us an opportunity to see you in person. Let us hear from you soon. In the mean time, I take you by the hand for all of us.

SHABANIE, or CHAMBLIE, *Chief.*

In presence of PETER MENARD, Jr., *Sub Indian Agent.*

Talk of Sena-chewin, chief of the united tribes of the Illinois river Indians.

PEORIA AGENCY, June 1, 1831.

BROTHER AND FRIEND: Is it you, or is it the Great Spirit above, who has pronounced vengeance against me and my people. If it is you, say so; and keep us not in suspense. If it is the Great Spirit, we have nothing to say, but submit to his will.

Brother and friend: we have done nothing, as we know, to call down the vengeance of the great God, who is our common Father. No: it was not he that snatched and deprived us of our home. No: but it was you and your other brothers with the hat. Did we sell our land? No. Are we any longer owners of that happy country given us as our birthright by the great God? No. Can you consider us satisfied? No. Will you admit that we are chased like the wild beast of the forest? You must acknowledge. Will you allow that we are miserable? You dare not speak otherwise. Yes! to drag a cruel and miserable life is our share. Brother: I take you by the hand, and wish you a better luck than your red brothers; and thank you for the kind treatment you have always shown me, as well as my people.

JOSEPH AGEE, his + mark, *Interpreter.*

In presence of PETER MENARD, jr., *Sub Indian Agent.*

BLUE SPRINGS, August 11, 1831.

DEAR SIR: It will be seen by the within that Gen. Clark wishes to employ Gen. Hughes and Maj. Bean to run the lines between the tribes who lately made a treaty at Prairie du Chien. I hope it will meet your approbation, as peculiarly fit and proper to employ these sub-agents who are competent, and highly meritorious, and worthy of distinguished confidence. I have ventured to say to Gen. Clark, that, as he has the power to appoint, and should he think proper to appoint these individuals, it could not otherwise than meet your approbation. If you approve, cause a letter to be written to Gen. Clark; also have me advised of your decision as soon as convenient. The within will give a full view of the subject. As I know you will be consulted, in such cases, in the absence of Gov. Cass, I write you direct.

Your friend,

R. M. JOHNSON.

To Gen. ANDREW JACKSON,

President of the United States.

ST. LOUIS, Mo., July 29, 1831.

DEAR SIR: The treaty made between the Sioux, and Fox, and Sac Indians, commonly called the treaty of Prairie du Chien, of the 15th July, 1830, amongst other things provides for surveying and marking certain lines and boundaries in said treaty mentioned. In pursuance of which, on the 2d of

March, 1831, Congress made an appropriation to defray the expenses of running the same. \$9,000 was the appropriation.

Since which, Gen. Wm. Clark has been authorized to employ some persons to run those lines, &c. In a conversation this day had with him, he intimates to me that he is much at a loss to get some suitable person to run the lines, as provided for in said treaty; and assigns the following as a part of his reasons: First, if a stranger to the Indians and country was employed, it would be necessary to have some person who was acquainted with its geography to show the ground, as described in the treaty, over which the lines will pass. Secondly, it would be necessary to have such surveyor and party accompanied by the chiefs of the nations interested; and also to be attended by the agent and interpreters for those tribes, with a view to protect the surveyor, as well as to explain any difficulties that might arise in relation to the position of the line, as provided for by the treaty, so that all might be satisfied with the lines when run; without which it will be useless to run and mark the lines. Major Bean and myself are the sub agents of the nations betwixt whom the lines are to be run; and, with the assent of Gen. Clark, I have expressed a wish that Bean and I should be permitted to run those lines, because we can do it at less expense to the Government than any other men. We can do it as well as any other persons, because we are acquainted with the country over which the lines will pass, as also the several waters, points, and ridges that are mentioned in said treaty: and all will admit we each have a due influence over our Indians. We would take some of the chiefs of each nation, and go, and run and mark the lines; which lines are on the borders of our agencies, or rather the division lies between us. Hence we could always be near our nations, and attend to our other duties, touching our agencies; and if any difficulty should arise between the chiefs, as to the positions of the line or lines, we could and would be ready to settle and explain the matter between the parties interested, so as to make it well understood and satisfactory. We will run those lines and mark them well for the appropriation as estimated for, and which has been allowed by Congress.

I am authorized to say to you, and through you to the hon. Secretary of War, that it is the wish of Gen. Clark that we should run those lines; and he is anxious to have a permit to employ us, not believing it would be incompatible (under the circumstances) with the appointments we hold, or any of the duties thereof.

Gen. Clark knows us both well; he knows our activity and respectability. Maj. Bean has been in the employ of Gen. Clark and General Rector, and his works on file in the proper department will show. As to my own qualifications, there are none that will doubt them who know me.

The Indians are urging us to have those lines run, or so much thereof as possible, before the fall and winter hunts commence. Permit me to ask you to get permission of the hon. Secretary of War to authorize Gen. Clark to employ us, as such is his wish; and will you please to ask the Secretary of War to send his answer and instructions (if any) enclosed to you, as I shall be at your house with some Indians for your school; and to have the answer there would be a better opportunity, when in Kentucky, to prepare for doing the work this fall, or as much as is now pressing to be done.

Yours, truly,

ANDREW S. HUGHES.

To Col. R. M. JOHNSON.

McCutCHENVILLE, CRAWFORD Co., OHIO, *Aug. 17, 1831.*

DEAR SIR: I am still confined here, though free from fever, and rapidly convalescent.

I enclose you a letter from Wm. Walker, which I received last night. Permit me to draw your attention to its contents, which I have no doubt are strictly true. It is certainly unfortunate at this crisis of my negotiations that the deficiency in the annuities should have occurred; and it is still more to be regretted that Col. McElvain should be utterly unable to assign any reason whatever in explanation.

If this were the only obstacle to the conclusion of the important treaty with the Wyandots, I believe I should not hesitate to assume the responsibility of guarantying the payment of the deficiencies of the past and present years. Please give me instructions on this subject, and also enable me to give satisfactory reasons to the chiefs why the deficiency occurred at all.

The amount (\$175) I suppose to be the sum secured by the Connecticut Land Company, and the proprietors of the half million of acres, &c., to the President, under the treaty of Fort Industry, of July 4th, 1805, *but why it is now deficient* I know not, as the annuities under that treaty were made *perpetual*.

I ask the favor of you to examine my instructions of March 29, on record in the office of Indian affairs, and inform me if I am *compelled* to associate Col. John McElvain with me, as *commissioner*, in concluding treaties with the Ohio Indians. If not, I shall hereafter decline doing so, as he is an embarrassment rather than an auxiliary. I can do nothing with the Wyandot chiefs, except in the most *private council*, and they, I know, would prefer being alone with me; and the colonel *can* be of no kind of service to me. There are other reasons for requesting this exemption, which I will forbear to enumerate. *With it* I can make a treaty with the Wyandots; *without it* I may fail.

I am confident, sir, that *you* can call to your remembrance instances in which *you* have found yourself embarrassed by being associated with others in your various Indian negotiations.

How much more so, then, must I *be*, in being encumbered by one who is unable to shed one ray of light upon my *mind*, or guide me by the strength of his own.

Excuse this very poor letter; this is the first day I have been able to sit up in a chair.

With great respect,

Your most obedient servant,

J. B. GARDINER.

Hon. LEWIS CASS,

Secretary of War, Washington.

UPPER SANDUSKY, *August 16, 1831.*

DEAR SIR: Your letter of last evening came safely to hand; likewise your communication to Lewis Cass, which was immediately mailed for Washington city.

I am really glad to know that you are quite a promising convalescent, for I really felt apprehensive you would have a severe and protracted siege of the fever.

We shall divide no money to-day, the chiefs are not yet ready; we may commence to-morrow, pretty early. They will be engaged all day to-day, in making the enumeration, estimates, &c. Yesterday was occupied in hearing the Delawares' message from west of the Mississippi, and Captains Pipe and Montan's description of that tract of country said to be selected for the Wyandots. I think our chiefs have somewhat different feelings on the subject to what they had some weeks ago; but they appear still to insist on sending a deputation to that spot to examine it, before they conclude a treaty. They think this can be done before cold weather. I also find them unwilling to wait till the Government disposes of their lands, in the usual way, for the annuity that may accrue on the money to be realized from the sales. In short, Warpole seems to contend for a definite and fixed amount, to be vested in Government stock, so as to receive the full annuity from the start, and that annuity neither to increase or diminish.

You may look out for the chiefs to charge the Government with a violation of the treaty of 1817: this violation is the deficiency, in the annuity, of \$175, for two years in succession. I will here quote Warpole's own words, on Colonel McElvain's announcing to the chiefs at my house, that the Government had not made up the last year's deficiency, and that there was the same deficiency in this year's annuity as last year; and, moreover, that he had not been informed of the cause, he (Warpole) remarked, "this is the second time we have been thus served by the Government. What can it mean? No reason assigned for this departure from treaty stipulation. I should suppose one year would be time sufficient for the Government to repair the wrong; but here one wrong follows another, and no reason assigned. Well, my friends, my voice is, we make no more treaties with the Government till these wrongs are repaired, and an explanation given for the cause." To this the rest assented.

By paying the money, accompanied by some satisfactory explanation, this difficulty may be obviated. Sammondowot appears to be silent; Hicks leans the right way, I think; and so does Peacock. Rest assured their demands will be exorbitant. The Pagan party appear to have caught the Canada fever: the chiefs will oppose this notion "tooth and nail." Sarrahass has not been here yet, he is absent; he is, however, expected to-day.

I must close, the chiefs have sent for me. Excuse this hastily written scroll.

In great haste,

I am, dear sir,

Yours, &c.,

WILLIAM WALKER.

J. B. GARDINER, Esq.,

McCutchenville.

STATION CAMP, NEOSHO RIVER, *August 18, 1831.*

SIR: I have just completed a tour of thirty-three days. I first accompanied the surveyors to the southwest corner of the State of Missouri, whence Mr. Donelson proceeded on, and has completed a traverse line from that place to Fort Smith, (about seventy-seven miles,) between the Cherokees and the Territory of Arkansas. It remains for that line to be corrected and marked back to the corner of Missouri. Dr. McCoy proceeded northwardly from the corner of Missouri, marked the line between the Cherokees

and that State, and established the northeast corner of the Cherokee lands, as I shall describe below; and thence proceeded on the line of Missouri, twenty-two miles further, marking distinctly every fifth mile, in order to facilitate subsequent surveys on the Indian side.

Mr. Donelson's instructions embraced the completion of his line. Dr. McCoy was directed to note the crossing of the first water of Neosho, north of the corner of Missouri, and to proceed until he had crossed all the waters on that line which run into Neosho; to note this northern termination of his line, and then to measure west until he reached the Osage reservation, marking only every fifth mile, and to report as nearly as practicable, without actual survey, the course and distance of this western termination from the Osage Agency. The above instructions were fulfilled as far as was practicable during the time I had allowed them.

From conversations with the honorable Secretary of War, as well as from my written instructions, I felt it to be my duty, as early as possible, to explore the Osage lands, and the lands between the Osage reserve and the State of Missouri, with a view of ascertaining whether the Chickasaws might not be located there, and the Osages to be placed along side of the Kansas.

I left the surveyors at the corner of the State of Missouri, and, with my servant and an Osage interpreter, I spent six days in passing between the State of Missouri and Neosho river as far north as the Osage Agency; where I met an escort of twenty-five soldiers, commanded by Captain Hawkins, and attended by a surgeon from Fort Gibson.

We proceeded along the northern boundary of the Osage lands west, about one hundred and twenty miles from the State of Missouri; thence, south across the Osage reserve, which brought us to the Arkansas river. We then turned east along the southern boundary of the Osage lands.

Add to the Osage reserve the country between that and the State of Missouri, and I would respectfully say, that the character of the tract, as it respects soil, timber, water, stone, and mineral coal, is such as would render it a suitable location for the Chickasaws. They passed across this tract in 1828, but it was under unpropitious circumstances, at an unfavorable season of the year, and in a place most destitute of wood. They then dispraised the country; but if they were to see it between the 1st of June and the 1st of October, I think they could not dislike it.

Still, I would respectfully recommend, as being more desirable, that the Chickasaws be located on the south bank of Canadian and Arkansas rivers, provided an arrangement to that effect can be made with the Choctaws. I would, nevertheless, beg leave to say respectfully that the removal of the several bands of the Osages—one of which is in Arkansas Territory, one on the Creek lands, and one on the lands of Cherokees to a tract adjoining their kindred, the Kansas, is exceedingly desirable. Such a measure would make it more easy to locate advantageously small bands from the north; it would, doubtless, promote the interests of the Osages; and for reasons assigned in my letter of July 1st, I think it could be effected almost as easily as to assemble them into one body on their reservation. Some gentleman in this country, in whom, no doubt, the late delegation of Chickasaws, who were here exploring, placed considerable confidence, encouraged them to hope that the United States would purchase for them a portion of Texas, on the south of Red river. If Government has no intention to procure a country for them there, as I am confident it has not, I would respectfully suggest that the Chickasaws would more readily accede to proposals, if they were

distinctly assured that they need not hope for a country on the south of the Red river.

The Chickasaw delegation, in 1828, (I was in company myself,) expressed themselves pleased with that portion of the Choctaw lands which lies along the Arkansas and Canadian rivers. The Choctaws then expressed, and since have expressed their willingness to allow the Chickasaws a country there, provided that the political existence of the latter would become merged in that of the former. To this proviso, the Chickasaws have objected. It appears pretty plain that the terms proposed by the Choctaws, and the objection thereto by the Chickasaws, originated in view of the old Indian policy, in relation to the independence of the tribes, severally. I feel persuaded that all difficulties upon this point would vanish with both parties, were they given a distinct view of the plan of uniting them in a territory, in which all the parts would be happily united in one community, and mutually dependent upon each other. I have repeatedly reasoned with individuals of the southern tribes and those of the north, on the advantages to be hoped for from such a community, with the map of this country spread before them, and I have invariably perceived that their feelings became enlisted in favor of the plan, and their hopes of better things thereby elicited.

The wording of that part of the Cherokee treaty, which relates to their northern limit on the line of Missouri, being ambiguous, your honor had interpreted it to mean that the Cherokee line was to continue on the line of Missouri, north of the corner of the State, until it crossed a stream of water called Grand river running into Neosho.

Accordingly, I was instructed to ascertain whether such a stream was there. I beg leave to say that no stream along that portion of the line of the Missouri ever bore the name of *Grand river*: the Neosho itself has sometimes been called the Grand river.

The same ambiguity, I presume, induced you to instruct me to report the crossing of the first water on the line of Missouri, north of the corner which runs into Neosho. This we have particularly noted, as we shall hereafter exhibit by field notes and plot. It is a small creek, and only about a mile and a half north of the corner of Missouri. I beg leave respectfully to say that, from its appearance and from all the circumstances of the case, I could not suppose that it had been the intention of either party to the treaty, to fix the northern limit of the Cherokee lands at that place.

In event of there being no such stream as the Grand river there, I was instructed to proceed along the line of Missouri until I had crossed all the waters which run into Neosho, and there to make the northern limit of the Cherokee lands. These instructions were embraced by those I gave to Dr. McCoy, and will be complied with fully as soon as practicable, unless your orders originating in facts, which I shall state below, shall place the northern boundaries of this land elsewhere. If it be fixed according to the above, the Cherokee lands will then run on to those of the Osages, so as to take about three hundred and thirty six thousand acres of the better portion of their country on Neosho river, and also some of their villages. It would occasion a distressing disturbance among the Osages, if they should remain upon their reservation, and it would effectually defeat the project of finding a home there for the Chickasaws. Allow the Cherokees to go so far north on the line of Missouri, as to cross all the waters which run into Neosho, and thence forty miles west, and their will not be found either further north or west a country that will suit the Chickasaws. Before I set out on my

late tour, I had an interview, in different places, with the chiefs and principal men of the Cherokees and Creeks, in presence of their agents severally, and gave them formal notice of my undertakings; without expressing any doubt on my part, I required the Cherokees to state where they understood, by the treaty, was to be their northern boundary on the line of Missouri; they replied, "immediately after crossing the first considerable stream, north of the corner of Missouri, which runs into Neosho." I united with them in opinion that that was the proper place; and said that *there*, to their satisfaction, the northeast corner of their lands would be established. At my request they sent with me two of their people, who attended the surveying on the line of Missouri, eight miles and ninety-nine chains north of the corner, which reached to the north bank of the Elk river, a stream five chains wide, and which is the first notable stream running into the Neosho. There we erected a mound, and established other suitable marks to designate the same as the northeast corner of the Cherokee lands. This was done in presence of their delegation, and entirely to their satisfaction.

If it should be your pleasure to establish this as the northern boundary of the Cherokee lands, which I sincerely hope will be the case, let me beg to be informed thereof as soon as practicable. By doing so, all the difficulties of collision with the Osages will be avoided. The Chickasaws, if necessary, can be provided on the Osage reservation, and eastwardly; and while the 7,000,000 of acres will be made complete to the Cherokees in the region between Arkansas and Canadian rivers, there will be an actual saving of about 2,048,000 acres of valuable country; and which, excepting the portion that it embraces of the Osage lands, Government could apply to, and which it will need, for the convenience of some other tribe. Your honor will please to notice, that the treaty gives to the Cherokees all the country between lat. 36 N. and the Canadian river, as far west as the United States' territories extend. They have more than enough beside the 2,048,000 acres mentioned above; and, as will be found to be the case hereafter, this will be needed for others. The Creeks have been led to expect the lands south of Arkansas river, and west of the original line of Arkansas Territory, as far as Canadian river. I suppose that their different agents have encouraged this hope. It having been stated to me, that if all the lands between those two rivers should be given to the Cherokees, much dissatisfaction would be occasioned among the Creeks, and formidable objections to emigrating would be created among those to the east, I suggested to each tribe the propriety of the Cherokees allowing the Creeks to take a slip some ten or fifteen miles wide on the south of Arkansas, provided the United States would give the Cherokees, in lieu thereof, the tract on their north, as far as to the southern line of the Osages. The Cherokees hesitated, and did not say that they would agree to the arrangement, provided it could be made; nor did the Creeks say they would be satisfied therewith.

I have given the Creeks to understand, and I have told their agent distinctly, that unless they and the Cherokees could compromise their difficulties in such a way as our Government would approve, the lines would be run, and as soon as practicable, according to the articles of the treaty with the Cherokees. A considerable number of Creeks have settled between Arkansas and Canadian rivers; and I fear that, even until this time, they are encouraged to hope for that country.

The agent for the Cherokees informed me that, soon after my interview with them, the chiefs and principal men united in a written request to the

agent of the Creeks, to cause all those Creeks, who had located south of Arkansas, to leave that place forthwith. I prevailed upon the agent of the Cherokees, to whose care the communication had been entrusted, not to forward it for awhile; and I have not yet heard whether it has reached the Creeks.

It will be the first of December, or later, before our operations can reach the line, which will occasion the difficulty between those two tribes. This is, in part, the result of my contrivance, in order to afford time for you to become fully apprized of the affair, and for me to receive additional instructions, if you should deem them necessary.

We are now preparing to improve the most favorable season for meandering Arkansas and Canadian rivers; this work cannot be completed before some time in November. I am particular in stating this fact now, so that if you should be pleased to give me instructions relative to the future and permanent locations of the Osages and the Chickasaws, it might be understood that I should be absent until the 1st of November.

In my communication of July 1st, I stated the disappointment which I had met, in not obtaining men and means to carry on our business from Fort Gibson, as I had expected from your instructions. Not being prepared to meet such a state of things, the burthen of borrowing funds, or rather the impossibility of borrowing funds to purchase horses, hire hands, and, in a word, to procure supplies for two surveying companies, and to meet the costs of my other business, is becoming insupportable. There has not yet been time for me to receive an answer to the communication which I had the honor to make the 1st July.

Nevertheless, such is my distress for want of funds, that I must beg that relief be afforded as soon as practicable. Besides, the assistant surveyors and one person in charge of baggage and supplies generally, nineteen or twenty persons are necessary to make up the two surveying parties, allowing two or three to accompany me; four of these are on wages of twenty dollars a month, and the residue at fifteen dollars.

In a report which I had the honor of making to the department, under date of January 1st, I suggested the propriety of embracing an early opportunity of extinguishing the claim of the Pawnees to so much of their country as Government will require in the prosecution of the plan of locating all the tribes in this western region. In conversations with the honorable Secretary of War afterwards, I was allowed to mention the same subject. I would respectfully repeat the suggestion that that vast country could now be purchased with little difficulty and cost; and then the whole district contemplated for Indian settlement would be open for the location of any tribe, at any place. Obstacles to the extinguishment of their claims will increase every year.

In a correspondence with Major Dougherty, agent for the Pawnees and others, this summer, I have received his views, which are decidedly in favor of the measure. He says, "I think your suggestions to the Secretary of War are altogether proper; indeed, as things now stand, Government will be obliged to extinguish the claim of the Pawnees to the country to which you allude, and certainly a more propitious time to do so will never be presented. I have no hesitation in believing that one thousand dollars worth to each of their three towns in presents, paid down at the time of negotiation, and about the same amount each year during whatever time may

be agreed upon, would be amply sufficient to purchase the extent of territory necessary for Government purposes.

I beg leave, further, to repeat a former suggestion, that as the Pawnees have never ceded lands to the United States, if the subject could be brought before them at a time of delivering of presents to them by the agent, with only one other commissioner besides their agent, and without the circumstance having become public among the whites, the matter would be adjusted much more to the satisfaction of the Government, and the advantage of the Pawnees, and at far less cost, than would be the case under different circumstances.

The agent for the Osages has been awhile absent; so that, notwithstanding I have been twice at his agency since I received my late appointment, I have not had an opportunity of conferring with him respecting the removal of the Osages to the Kansas river, with the Kansas. I am, however, confirmed in my belief of the propriety and practicability of the measure. Some seven or eight families of white people, unauthorized, are farming upon the Cherokee lands, or the lands adjoining on the north. I would respectfully suggest the propriety of their being required to remove as soon as they can secure their present crops.

I have the honor to be,

With great respect, sir,

Your obedient servant,

ISAAC McCOY, *Surveyor, &c.*

To the Hon. SECRETARY OF WAR.

HOPEWELL PRAIRIE, NEAR COLUMBUS, MISS.,

August 18, 1831.

DEAR SIR: I have a favor to request of you, which I should hardly venture if I did not derive much encouragement from the good will you have manifested towards me on several occasions. My best energies, during a period of fifty years, have been directed to the support of the American Government, upon which I based the well being of the Choctaw nation. I have not been mistaken, and while a contrary course has involved the Creeks in much misery, I enjoy heartfelt pleasure that I have done much to dissuade this people not to walk in their crooked paths. But time must shortly put a period to all my services, and consign me to the tomb. I have a son whom I wish to devote to the service of the United States, and replace me when I shall be no more. He is fifteen years of age, and reads and writes the English language; also has made some progress in arithmetic, and is desirous of further improvement; to which end, I am induced to believe that the Military Academy at West Point would be the most eligible institution; and from his docility I have no doubt but as one of its pupils he would do credit to himself, and, I trust, honor to it. If in your wisdom you should judge it expedient to confer the appointment of cadet on Thomas Jefferson Pitchlyn, I would be extremely grateful for early notice; and hope no barrier would exist to his proceeding to West Point some months before the annual examination, in order that he might take lessons there, which would better prepare him for admission next June.

My continuance in my present duties will, I presume, be requisite until the consummation of the treaty in 1833. They are now as arduous as ever, in-

asmuch as there are numerous applicants to me to explain little difficulties that arise, and as it is especially necessary to keep up a good understanding of the United States' intentions. As I may finally conclude to remain on this side of the Mississippi, in that event I presume my daughter Betsy and daughter Eliza, being over ten years of age, will be entitled each to a half section, and my youngest child Kezia to a quarter section, in conformity to the 14th article of the treaty, they being in no other way provided for. Indeed, I applied to the agent to become entitled for myself and these three children under this article; but as he decided against my claims, I still reserve the right to pursue another course until a superior decision. I think my claim good to an additional section to myself, in case of stay, either as head of a family, or as cultivator of more than fifty acres; and if fifty-eight years' residence among the Choctaws do not make me one, then it seems that my wife ought to be entitled as Choctaw head of a family. It will appear evident, then, upon reflection, that if the 19th article in my favor had been omitted, I should, under other provisions of the treaty, in case of stay, 1st. as Choctaw head of a family, to one section; 2d. for my two daughters, Eliza and Betsy, to one section; 3d. for my daughter Kezia, to one quarter; and 4th. as cultivator of more than fifty acres, to one section—in all, three sections and a quarter. Whereas, according to the agent's construction, I can now be entitled to only two sections, go or stay. Upon these considerations, therefore, I base my claim to two sections and a quarter additional, which, if granted, will not place my three daughters upon a footing as favorable as that of my other children. These things I leave to your superior judgment to decide, confident that in case of doubt you will construe them favorably.

There is residing with me a Creek girl, named Onaheli, who is an orphan that I brought from the Creek country during the last war; and as she refused to return, I have protected her ever since. As she is not a Choctaw by birth, objections arise to her receiving any reservation in case of stay. She is about eighteen years of age. I submit to you whether, considering that she is identified with this nation, it would not be expedient to make her a grant of a half section; and if so, that it may be located near my children's land.

On account of the decease of my son, Jack Pitchlyn, his children are left fatherless. He mortgaged his title to the two sections granted him by the treaty, before his demise; excepting out of it, however, the privilege of a ferry opposite Columbus, which you granted him in 1820, then being a commissioner for the acquisition of Doak's stand. Personal application will be made to you by the parties interested, or their agent, within a short time, to ratify this transfer. In any event I would wish this ferry secured to the two sons of Jack, who are under ten years of age, and also motherless. This ferry will be the only support of these children. Their mother was a daughter of Levi Colbert; and to your decision I leave it whether they may not be entitled to a quarter section each, as Choctaws; or, as they are now residing with their aunt, in the Chickasaw nation, whether they may not participate in the advantages that may be allowed to Chickasaw orphans. If the half section solicited for these children be granted, it would be to their interest to have it floating. As respects the claim for myself, and my three daughters who are unprovided for, I would wish it floating, if possible; if not, as expediency may render necessary.

I have an observation to make in favor of Middleton Mackey. He is

entitled to a section by the treaty, to be located near his residence. That residence is on a poor spot, which he selected in order to be near the agent, and render service as interpreter. He is poor, and will cross the river with his numerous family, and has no other claim. As soon as possible after the treaty, and before it was ratified, he made another selection about twelve miles from the agency, in which a house was erected and improvements made. He wishes his claim may include these *last* improvements; and seeing that his residence in the place near the agency, to which the *letter* of the treaty would confine him, was necessary to public convenience, and not the result of choice, I doubt not that you, always liberal on the side of the deserving, will, if possible, decide in his favor.

In concluding upon such matters as concern me and my family, I must observe, that I but acquit myself of the duty I owe my grand children touching what I have said respecting them; also of my duty to the orphan Creek, and to a friend. I have never asked any thing for myself of the Government. I wish for my children, who are unprovided for, all that I believe that they are entitled to. It is likely I shall prefer to remain. I have not positively arrived at this determination, because I thought that my services might be called for beyond the Mississippi; and I have wished to make no avowal that might compromit my wishes to be serviceable. It must be obvious to you, sir, who have seen, I know, so much of men and of the strange whims that sometimes govern them, that had I, during the course of my life, been solely intent on my own interests, the motives to my actions would have been misconstrued, and I would have lost much of the influence I possess, in the general belief that it was neither the good of the United States nor of the Choctaw nation, but my own that I sought from my transactions. The British efforts of the revolution, the Spanish of 1806, and at other times, to place me in opposition to the American Government have been unavailing; and often have I silenced the prepossessions and prejudices of the Choctaws, when they would have acted counter to their own interests and to those of the United States. Their fate is now determined on; my career is fast drawing to a close; and if the future be not smiling for them the fault will not be yours nor mine, and neither of us will survive to rejoice or sympathize with them.

With great esteem,

Your very obedient servant,

JOHN PITCHLYN.

ANDREW JACKSON, *President of the United States.*

ALLEGHANY ARSENAL, PA.,

Pittsburgh, August 20, 1831.

SIR: The contractors for delivering five hundred ploughs, for the use of the Indians, agreed to deliver them at or near the mouth of White river, on the Mississippi, or at Pittsburgh: and as the destination of the ploughs is changed to Fort Smith, the contractors will deliver them at Pittsburgh.

I presume that Fort Smith is on the Arkansas, near the confluence of Poteau river, or Lee's creek, with the Arkansas.

If I am in error, I request that I may be corrected.

I am, sir, &c.,

R. L. BAKER,

Major United States' Army.

ELBERT HERRING, Esq.

MOUTH OF WHITE RIVER, ARKANSAS TER., *August 20, 1831.*

DEAR SIR: Yours of the 14th last month is before me: for which I thank you for the honor you have conferred on me. I will accept of the special agent, under the 16th article of the treaty of the 27th September, 1830, with the Choctaw nation of Indians, to value the cattle, &c. I will leave this for Vicksburg in the first steamboat, and from thence to the Choctaw agent, where I will despatch the duties of special agent as fast as possible.

Your most obedient servant,

WILLIAM DOUGLASS.

Hon. P. G. RANDOLPH,

Acting Secretary of War.

N. B. If you should wish to have any further communication to make to me, I will be in the nation for the most part of my time; and if there is a post-office kept at the agent's, write to that place.

W. D.

GREEN BAY, *August 21, 1831.*

DEAR SIR: The Menomonie chiefs have finally given their assent to the treaty concluded at Washington last winter, and have signed an article to that effect, at this place, at the instance of Colonel Stambaugh; and I believe the Indians, and those white persons in this country, who, at their solicitation, have taken an interest in the controversy between them and the New York Indians, are satisfied.

In closing this business, and on ceding for ever to the United States the only part of their territory which they will be able to sell for many years, the Menomonies have thought it but justice to make that provision for me, as a reward for my exertions to sustain their rights, which is usually made by all Indians for their friends who are disposed to settle permanently near them. I have accepted of it because the services which I have rendered them have been as important to them as they have been dangerous in their character to myself. If the New York Indians should succeed in confirming those impressions, which, it seems, they last winter made upon the mind of the President, I may justly look to the party for remuneration in whose favor I shall have been so unfortunate as to lose the confidence of Government.

I submit the matter to your decision, with pleasure, because you are personally acquainted with my labors in behalf of the Menomonie nation; and I feel well assured, that, as the grant is wholly voluntary, my claims will not be rejected after those of other individuals in the country have been allowed.

It gives me pleasure to assure you that Colonel Stambaugh takes an interest in, and approves of, this application of the Menomonies in my behalf; and that I am, your much obliged, and obedient

Friend and servant,

J. D. DOTY.

Hon. LEWIS CASS,

Secretary of War.

FLORENCE, ALABAMA, *August 21, 1831.*

SIR: Although the enclosed letter is addressed to me, as one of the United States' commissioners, in holding the late treaty with the Choctaw nation, and, perhaps, not intended by the writer, Mr. Lyon, to be sent to you, yet I deem it most proper to enclose it, lest, perchance, the address of Col. Gaines did not reach you.

It is correct that Major Eaton, the late Secretary of War, and myself, did propose and urge Colonel Gaines to accept the appointment of travelling agent with the delegation of Choctaws, who were to examine the country west of the Mississippi, and determine the place for the nation to settle on, &c. And it is also a fact, that Colonel Gaines was induced to believe that he would be appointed to a further agency with the Choctaws, either in removing them to their new country in the west, or of being located there with them, after their removal: he expected the influence of the Secretary of War to that effect, with the President, and, under these impressions, I presume, he has committed himself, with the Indians of the delegation, further than he otherwise would, or might have done; and which is, probably, the cause of their continuing to urge him to procure them full payment for that service. It is very desirable that those accounts shall be paid as early as possible, and the Indians provided for in their journey of removal, so as to draw them off from their present country to the new one, and thereby carry with them many of the Chickasaws, who are intermarried with the Choctaws. We shall thereby get the influence of all who are thus connected of both nations, in bringing about an agreement for the Chickasaws to settle on the Choctaw lands, upon some terms or other. Colonel Gaines is a very influential man with the Choctaws; they have, generally, more confidence in him than in any other white man. They urged Major Eaton to appoint him their travelling agent, and their permanent agent; and in that way he promised to use his influence with the President, and which seems to have been a disappointment to him; but of this he does not, nor has he any right, to complain. The President has the right to appoint any person he prefers, notwithstanding the Secretary of War recommends some other person. But inasmuch as Colonel Gaines has not been appointed to any further service with the Choctaws, I would respectfully suggest the propriety of speedily relieving him from his engagements, while on the exploring tour, &c.

Pursuant to instructions from the President, I have been endeavoring to effect an arrangement between the Chickasaws and Choctaws, whereby the former may be settled in the country allotted to the latter, on some terms which may be agreeable to both nations. I am, as yet, unable to say what will be the result. To obtain that desirable object, it is necessary to do every thing we can to quiet their minds, and keep them in the most friendly feelings towards the United States. You shall be kept advised of all information I obtain on that subject, from time to time, as I receive it.

I have the honor, &c.,

JNO. COFFEE.

HON. SECRETARY OF WAR.

DEMOPOLIS, *August 3, 1831*

SIR: At the request of my uncle, who is at present at the Factory, making

arrangements for the delivery to the Indians of their annuity for the present year, I forward to you the enclosed copy of a letter addressed by him to the hon. Secretary of War.

Mr. Gaines believes he has just grounds of complaint against the Government for the delay which has taken place in examining and passing upon his accounts, and for subjecting him to the constant importunities for balances due to members of the exploring delegation. In addition to this, Mr. Gaines has been much annoyed by frequent visiters and messengers from the Indians, making inquiries about the arrangements for their removal beyond the Mississippi. He certainly had no peculiar desire to engage in the difficult and troublesome task of superintending their removal, but from what occurred at the treaty in September last, he surely had a right to expect that his reports and communications upon Indian affairs would receive such consideration as to entitle him to a reply, so far at least as regarded his expenditures. I am, perhaps, going too far in communicating his feelings to you, for, I am convinced, he will make no complaints to the Government; but, knowing the long acquaintance and friendship which has existed between you, I have taken the liberty of doing so, particularly as you have a personal knowledge of what occurred at the treaty.

Mr. Gaines will feel it his duty to aid the Government in effecting a speedy removal of the Choctaws, so far as his advice to the Indians will contribute to that object.

Very respectfully, &c.,

F. S. LYON.

Gen. JOHN COFFEE.

ALLEGHANY ARSENAL, PA., *August 22, 1831.*

SIR: Mr. John Harris has notified me that five hundred axes have been forwarded by him, to me, for inspection. I have, therefore, to request that I may be informed to whom the axes are to be forwarded.

Very respectfully, &c.

R. L. BAKER,

Maj. U. S. A.

S. S. HAMILTON, Esq., *War Department.*

TIFFIN, OHIO, *August 22, 1831.*

DEAR SIR: Since my last, I have so far recovered my health as to be able to make short rides on horseback. With much difficulty, I went to Upper Sandusky, before the payments were closed, and held a private council with the chiefs. They were enraged at another deficiency in their annuities, similar to that of last year. I found it impossible to proceed with them, until this difficulty was removed. I applied to the agent to advance the amount, but he would not or could not do it. I then made the advance myself, and Col. McElvain is to deposite the sum of \$350 to my order, in the Bank of Columbus, and draw upon you for the same. I refer you to the enclosed notes for further explanation.

Mr. Hollister, of Maumee, is now here, and insists upon my proceeding *immediately* to the mouth of Swan creek, as Major Forsyth and Col. Conner will be there tomorrow.

* * * * *

If possible, I will set out in the morning, though my own health does not justify it, and my daughter still remains very low, but convalescent.

The Wyandot chiefs say they are willing to enter into the details of a treaty at any time, provided they can have the privilege of sending a deputation to view the country near the confluence of the Kansas river with the Missouri, which they say is the place designated for them; the deputation to be paid by the United States. While the messengers are absent, they are willing to adjust all the particulars of the treaty, leaving its conclusion to depend on a favorable or unfavorable report from the country west of the Mississippi.

I asked for this permission in a letter addressed to the late Acting Secretary of War, (Mr. Randolph,) dated the 8th of July; and, to my astonishment, I have received *no answer whatever*. I beg leave to call *your* early attention to it, and that you will cause it to be answered as soon as possible. I promised to apprise the chiefs of the answer, and I am embarrassed because of its delay. Excuse the imperfections of bad health and unavoidable hurry.

Please send me a book of treaties. I am much in want of one.

With the highest respect and esteem,

I am, dear sir,

Your most obedient servant,

J. B. GARDINER.

Honorable LEWIS CASS.

UPPER SANDUSKY, OHIO, *August 18, 1831.*

SIR: From the result of a private council with the Wyandot chiefs this morning, I find that the deficiency in the annuities of the Wyandots of one hundred and seventy-five dollars last year, and the same amount the present year, is an insuperable barrier to the commencement of a negotiation with them for a cession of their lands and removal west of the Mississippi. Should the deficiency of both years be now paid, I think a negotiation may be opened with them with a favorable prospect of its terminating in a treaty.

Respectfully,

Your most obedient servant,

J. B. GARDINER.

Col. JOHN McELVAIN,
Indian Agent.

UPPER SANDUSKY, *August 18, 1831.*

SIR: Your letter of this date relating to the deficiency in the Wyandot annuity for 1830 and 1831, amounting to \$350, is received, in which you give it as your opinion that, should said deficiency be made good, that a favorable negotiation may be opened with the said tribe, for a cession of their lands, &c. I am sorry I am compelled to inform you that I have not at present the means, or I would cheerfully run the risk of making good the supposed deficiency; but if it will answer the purpose, when I return to Columbus, which will be in the course of ten or fifteen days, I will

draw on the War Department for the amount, and immediately return and pay the same to the chiefs of said tribe. When you and I talked on the subject, I thought I could at this time spare the amount; but, on examination, I find to the contrary.

In haste,

Yours, respectfully,

JOHN McELVAIN,

Indian Agent.

Col. J. B. GARDINER.

UPPER SANDUSKY, OHIO, *August 18, 1831.*

SIR: If you will deposite \$350 to my credit in the Bank of Columbus, on your return home, I will lend you that amount in specie this afternoon, for the purpose of paying the deficiencies in the Wyandot annuities.

Respectfully, your most obedient servant,

J. B. GARDINER,

Special Agent, &c.

Col. JOHN McELVAIN, *Indian Agent.*

SIR: Your note, in which you observe, if I would, on my return to Columbus, deposite in the Bank of that place to your credit the arrears of the Wyandot annuity, that you will advance the same. I have no other means to raise the amount, only by a draft on the War Department, which I presume will be honored; therefore, if you have the funds to spare, I think I had better at once draw direct on the department in your favor.

Yours, respectfully,

JOHN McELVAIN,

Indian Agent.

Col. J. B. GARDINER, *Special Agent, &c.*

TIFFIN, OHIO, *August 22, 1831.*

SIR: I have the honor to transmit, herewith, the articles of agreement and convention concluded at Wapaghkonetta on the 8th instant, for a cession to the United States of all the lands belonging to the Shawnee tribe of Indians resident in Ohio.

I have the honor to be,

Very respectfully,

Your most obedient servant,

J. B. GARDINER,

Special Agent, &c.

Hon. LEWIS CASS, *Secretary of War.*

LITTLE ROCK, *August 23, 1831.*

SIR: This day I had the honor to receive from you the appointment of special agent to the War Department, to aid in the removal and subsistence of the Choctaws. This appointment I accept; and herewith resign the office

of sub-agent to the Quapaw Indians. I have reported my acceptance to the Commissary General.

Before closing this note, allow me to recommend, as a suitable person to fill the vacancy occasioned by my resignation, Captain John Dunlop, of this place.

With great respect,

Your obedient servant,

WH. RECTOR.

To the Honorable SECRETARY OF WAR,
Washington City.

ORDNANCE DEPARTMENT,

Washington, Aug. 25, 1831.

SIR: Lieutenant Tyler, the assistant superintendent of inspectors of contract arms made through this department, received instructions on the 10th instant, at the request of the Indian Bureau, to attend to the inspection of the rifles manufacturing for the Indians by Mr. Derenger, in Philadelphia. I herewith enclose his report; and certificate of the inspections having been made, and

Have the honor to be, sir,

Your most obedient,

GEO. BOMFORD,

Bt. Col. on Ordnance Service.

Hon. LEWIS CASS, *Secretary of War.*

INSPECTION OF CONTRACT ARMS,

Springfield, Mass., August 20, 1831.

SIR: When in Philadelphia on the 12th instant, I received instructions from the chief of the ordnance service, (Colonel Bomford,) to inspect a quantity of rifles, manufactured by Messrs. Derenger and Tryon, for that branch of the War Department under your charge, and was instructed that I should find sample rifles to govern me in my inspection, in charge of the military store-keeper at the Schuylkill arsenal. On application for the sample rifles, I found that they had not been received, although daily expected; and as my services would be required to examine a quantity of arms at Pittsfield on the 23d instant, I proceeded to inspect the rifles in readiness at Mr. Derenger's, (Mr. Tryon had none finished,) without waiting the arrival of the samples, with the understanding, that if these rifles were not required for immediate issue, they should remain with Mr. Derenger until his next inspection, (about the 25th proximo,) when they should be again examined and compared with the samples; and, at all events, that the inspection now made, should not entail an obligation on your Bureau to receive the rifles unless you was satisfied from my description of them, that they are such as are required by the contract, &c.

In commencing a description of the rifles, it may be proper to remark, that this lot was not manufactured *under* the contract, but appear to have been on hand at the time Mr. Derenger forwarded you his two samples, which, he says, were indiscriminately taken from the rifles I have inspected.

Your letter to Mr. Derenger of the 30th May, approves these samples, with the exception that the *length of the bore*, (by which I understand the distance from the "*point*," or forward part of the *breech-screw*, to the extremity of the muzzle,) should be $40\frac{1}{2}$ inches. Should you deem a strict compliance with this length of bore of great importance, these rifles of Mr. Derenger's should not be received, as they measure but $39\frac{1}{2}$ inches in the bore, and only $40\frac{1}{8}$ inches in the whole length of the barrel. You will also observe, that no *ball-screws* are included in the certificate of inspection, as none were offered; Mr. Derenger claiming that their introduction into your letter of the 30th May, was a mistake, "as ball-screws could not be attached to wooden ramrods." Mr. Tryon seems to take the same view of the case, and if ball-screws are considered essential to the fulfilment of the contracts, both these gentlemen should be written to on the subject. To conclude the description of the rifles just inspected at Mr. Derenger's, I should observe, that the *barrels* are well groved and straightened, and that the *sights* are well adjusted. That the *locks*, although their action is tolerably good, are not remarkable for excellence of form or workmanship; besides, there are *five* different models among the 310 locks inspected. Whether this difference in the model of the locks will affect the purpose for which they are intended, remains for you to decide. The *stocking* is in no way remarkable, and though the exterior finish is good, still the quality of the work should be improved. The stocks are well formed for close shooting, and are made of maple.

You will observe introduced into the certificate of inspection, a plug and nipple wrench, both forged on the same piece of iron, and one forming the handle for the other: the "plug-wrench" is not included in the contract, but Mr. Derenger, at my suggestion, has consented to furnish them in the form just described, without any additional expense. They will be found, I think, an important addition. The above, I trust, will give you such a description of the rifles, as will enable you, in case they should be wanted for immediate issue, to determine whether they shall be received or not. In case they are to be received without further examination and comparison with the samples, you will please forward the enclosed certificates of inspection to Mr. Derenger, together with the order to the military store-keeper to receive the rifles. Should it be determined not to receive them, you will much oblige me by communicating the decision to me at this place, with such observations as may be judged necessary to a proper understanding of the contract, &c.

Both Messrs. Tryon and Derenger propose to have each one hundred rifles ready for inspection about the 25th proximo, at which time I shall be ready to attend to them.

Very respectfully, I am, sir,

Your obedient servant,

DANL. TYLER,

Lt. and Supt. of Insp. of Contract Arms.

SAMUEL S. HAMILTON, Esq.,

Officer in charge of Indian Bureau, War Department, Washington.

I certify, that I have this day inspected two hundred and seventeen percussion lock rifles, ninety-three flint lock rifles, three hundred and ten bullet moulds, three hundred and ten wipers, three hundred and ten chargers,

three hundred and ten rifle covers, two hundred and seventeen extra nipples, two hundred and seventeen plug and nipple wrenches, and thirty-one rifle boxes, all manufactured by Henry Derenger, of Philadelphia, for the Indian Bureau of the War Department; and I further certify, that the quality of these rifles and implements is good, and that they appear well adapted to the purpose for which they are intended.

I further certify, that the value of each rifle-box, when packed and hooped, to be one dollar and seventy-five cents, and that the cost of transporting a box containing ten rifles, from the place of the manufacture to the Schuylkill arsenal, would be seven and a half cents.

Given in duplicate at Philadelphia, the sixteenth day of August, 1831.

DANL. TYLER,
Lt. and Inspt. Officer.

ALLEGHANY ARSENAL, PA., *August 27, 1831.*

SIR: The contractor for 500 ploughs for the Indians, informs me that they will be ready in ten days for forwarding.

By reference to the contract you will observe, that the contractor is bound to deliver them near the mouth of the White river, on the Mississippi, or at Pittsburgh.

If he shall be required by the department to transport them, they will amount to \$2,375, if delivered at Pittsburgh to \$2,250.

I request that funds may be furnished me, for meeting the demand of the contractor.

I am, sir, respectfully,

Your obedient servant,

R. L. BAKER,
Major U. S. A.

E. HERRING, Esq., *War Department.*

COLUMBUS, OHIO, *August 28, 1831.*

DEAR SIR: I have just returned, after an absence of almost one month, paying the Indians their annuity, the Senecas for their improvements, assisting Mr. Gardiner to obtain the consent of the Indians to remove, holding treaties, &c. My trip was somewhat tedious and laborious, owing to the bad state of the roads, and the unusual quantity of rain which had fallen within the last few weeks; but, in other respects, pleasing, as I disbursed the large amount of funds I had with me to my own mind, and to the satisfaction of all concerned, and believe that I have convinced the Wyandots that it is to their interest speedily to leave the country; and, from what I know of them, I think I may say that if they do not treat between this and the winter, the chiefs will go to Washington for that express purpose.

On my return, I received several communications from the department, all of which shall strictly be observed; and I will, agreeably to the one dated the 15th instant, draw on the department for funds to remove the Senecas when they are ready to be off. On the 23d instant I had an interview with the Senecas on the subject of their removal, and urged upon them immediately to prepare for their journey; but, owing to the tardiness and

perfect indifference of these people as it respects time, it was with difficulty I could obtain from them a definite answer; but, at length, they fixed upon the 15th of next month for those that go by land, and those that go by water about the last of the month.

I insisted on the Senecas all to agree to remove by water, because I believed it to be the cheaper and better mode; but when I found that a part of them were determined to go by land at all hazards, I gave it up, as I considered it best not to press them too hard as it might prevent others from treating—particularly the Wyandots, as many of them were present. I therefore, in open council, agreed to lay their wishes before the Secretary of War, and observed I had no doubt but he would aid those who wished to remove by land, as well as those that were going by water.

Although it will be more expensive to remove the Senecas in the way they wish, provided they all agree to go by water, yet it cannot well be avoided, as it would be dangerous to attempt, at this time, to control them in this matter. If their request should not be granted, it would, on sight, be reported that the Government had now got their lands, and that those in power cared nothing more about them. This would quickly be spread amongst those tribes who are in a fair way to follow the Senecas, provided things are properly managed; and thus prevent their removal for years to come, to the great damage of the Indians and the State. The extra expense to remove the band going by land will not be great. It will require some one to accompany them to St. Louis, and an interpreter. They might then return; as Gen. Clark, no doubt, will take charge of the party. A few horses will be required, which might be sold at St. Louis. It will also be necessary to furnish the party with a few tents, and bags to pack their provisions, &c.

I will here, while I think of it, make inquiry whether it is the intention of the Government to furnish the poor and naked of this tribe with clothing? And I will further observe, that the Senecas expect to receive their blankets before their removal. Although they are much in want of that article, yet, I presume, it will not be furnished until after their removal. However, I know not the intention of the Government in relation to these articles, and I therefore gave the Indians no encouragement on the subject. If funds arrive in time to enable me to settle up the affairs of the agency, and to make my annual report by the latter part of September—if the Indians do not remove before that time—with permission, I would willingly accompany one of the parties to St. Louis; and, as it is more than probable that the most of the Indians in this agency, and perhaps the whole of them, will remove next season, a trip to St. Louis, with this small party, would be of advantage to me and perhaps to the Government, as it would give me considerable experience in matters of this kind before the great body of our Indians are removed. I have received from Gen. Clark, superintendent of Indian affairs at St. Louis, a letter, in answer to one I forwarded to him, respecting the best mode, &c., of removing Indians from Ohio to the west. The general gave it as his opinion that the better way is to send them to St. Louis by water, provided they are not encumbered with horses, &c.; and he further observes, that the balance of the journey will most probably have to be performed by land, as it is not likely any conveyance by water can be had in the fall season; but that wagons can be obtained to convey them to their place of residence, if steamboats are not running up the Missouri at the time they arrive. The general's letter is very satisfactory, and it will enable me to act understandingly when the Indians are ready to remove.

All that will be required of me, I presume, will be to convey those who are going by water to Cincinnati, and contract with some one to land them at St. Louis, and, perhaps, to lay in provisions for their journey; and, also, to fit out those who are going by land to that place. After their arrival at St. Louis, I presume they will then be conveyed to their new home under directions from Gen. Clark.

Before I draw for funds to remove this tribe, I will make out and forward to the department, as far as I am capable, an estimate of the probable amount it will cost to convey them to St. Louis, and only draw for that amount, without I am otherwise directed.

I am informed that Mr. Brish (who is at this time acting agent to the Senecas) has been designated by the late Secretary of War to accompany the Senecas to their new home, and to remain with them for one year after their arrival there, for the purpose of filling the treaty contract as to provisions, &c. Mr. Brish, under your directions, was appointed by myself, and I understand that he still holds his station under that appointment, and that he has given no security for moneys that may be placed in his hands. I therefore presume, if it is still the intention of the department for Mr. Brish to accompany the Senecas, that he should be required to enter into bond with security for the proper disbursement of all moneys that may come into his hands; for, as a matter of course, all the funds that are drawn for the removal of the Senecas, that are not expended before they leave this country, must be placed in his hands to defray the expenses of their journey, &c.

Mr. Brish informs me that he furnished near sixty dollars worth of provisions to the Senecas at the time the whole tribe met to hear their treaty explained. I am therefore requested by him to lay the claim before the Secretary of War, and to ascertain from him whether the amount will be paid on his or my draft. After the meeting had taken place, I was authorized to furnish them with some provisions for the occasion; but, as I did not receive instructions to do so until after the adjournment of the meeting, I did not feel at liberty to draw for the amount expended by Mr. Brish, as he did it without any consultation whatever.

It is said by Mr. Brish and the Seneca chiefs that George Herron was promised a liberal compensation for his services, as interpreter to the Seneca chiefs at Washington, &c.; and he says he was promised four hundred dollars for his services. How it is I know not; but it seems, from the seventh article of the Seneca treaty, that he was to receive some pay for his services. He is very poor, and much in debt, and what is due him would, at this time, be of great advantage to him.

I have of late been directed to pay several officers of this agency their salaries for 1829, and to draw on the department for that purpose; and I feel in hopes that I will shortly be empowered to draw for the whole arrearage of 1829.

I am, very respectfully,

Your most obedient servant,

JOHN McELVAIN,

Indian Agent.

Hon. LEWIS CASS,

Secretary of War, Washington.

MEDINA, August 29, 1831.

SIR: I have received from the Second Auditor's office, a letter dated Au-

gust 10, 1831, informing me of the rejection of my accounts from October 18, 1830, to July 1, 1831, in consequence of an alleged non-compliance with an order of the War Department, dated 18th June, 1830.

Perhaps, you may remember a conversation I had with you, when in Washington last winter, in which I explained the difficulty, and perhaps impossibility of complying with that requisition, owing to the peculiar situation of my agency, and by referring to my letter, dated July 20, 1831, you will find some additional remarks illustrative of those difficulties, but those remarks refer more particularly to the money payments. Allow me to add some, as it regards the distribution of annuity goods.

1. The object of the appropriation appears to have been very general. (See Laws and Indian Treaties, page 15.)

2. The Indians, in my agency, are scattered from Oneida to Green Bay, and are continually migrating backwards and forwards, and custom has given them blacksmiths and gunsmiths at their different stations.

3. A distributive share is very little—four thousand five hundred dollars among five thousand individuals; consequently, a plough would be seven or eight shares; an axe two, and a blanket two or three. The chiefs, indeed, claim this right, and are very tenacious of it. They are in the habit of giving more than an equal share to the poor, to sufferers, &c.; one year, and perhaps the next year, those individuals are passed over, and given to others omitted last year. They have no grades; they consider all on a level, and all equally entitled to assistance, except that the poor generally have more than their share. The mother pregnant, therefore, according to their custom, counts as much as even two chiefs.

4. The Indians have been particularly satisfied with my method of distributing the goods. It is sometimes necessary to give, according to law, some individual marks of respect. This season, I have given about one hundred ploughs to prominent individuals, who were desirous of improving their condition; besides, the articles they require are so diversified in point of price, that I fear, taken altogether, I shall find it next to impossible to comply strictly with my orders. I cannot distribute according to grade, for they have none. I cannot give, in all cases, equal shares, without giving many articles they do not want, and refusing nine out of ten articles they do want. Please, therefore, dear sir, to consider this, and give me any instructions that I can fulfil, and I shall cheerfully do so. It is not the trouble, it is not the time or toil, I shrink from; but I fear that it will be impracticable, or nearly so, to fulfil, strictly, my orders, and also have a bad influence on the prosperity of the Indians thereby.

I am anxious to have my accounts arranged, and also to receive modified instructions, or if it seem good to the department, to allow me to continue my usual method of distributing them. I should be happy to have a permanent arrangement, so that, hereafter, there may be no rejection, no difficulties.

I have the honor to be,

Very respectfully, sir,

Your most obedient servant,

JUSTUS INGERSOLL,

Sup't Six Nations, N. Y. Indians.

SAMUEL S. HAMILTON, Esq.,

Superintendent Indian Affairs.

BIG SAND, CHOCTAW NATION, *August 30, 1831.*

SIR: Under this date, I have addressed a communication to S. S. Hamilton, esq., of the War Department, containing my views on certain points in answer to inquiries submitted by him. I am anxious that the removal of the Choctaws should be accelerated as much as possible; and since the time the treaty was executed, have used my exertions to that effect. I hope a large number will be got off the ensuing autumn; and, notwithstanding some difficulties to which I have adverted in my former communications to the department, I think my wishes will be realized. The majority of the captains in my district, will remove this year, and I am anxious that, upon their arrival in the new country, they may receive from Government the equipage of clothes, sword, &c., provided in the treaty; and that the captains who went over last year, and are now there, be included in this provision. As I intend to go over myself during the ensuing winter, and may take my family with me, I am anxious to know what construction the Government intends to put upon that clause of the treaty which provides for the building of houses for the chiefs. Whether those houses are designed to be the permanent residences and property of the chiefs who executed the treaty, or whether they are to be considered the property of the nation, and to be used as residences of the chiefs successively in office. My arrangements would be varied, according to the construction given to this clause of the treaty. As I intend to improve a plantation, if the house should be designed as my permanent residence, whether in office or not, I should wish it located upon my improvement. If not so intended, I shall make arrangements for building a house for the accommodation of my family out of my own funds. As it is necessary, in case of the latter alternative, that I should soon commence my preparations, I should like to hear from the department as early as possible. Col. Armstrong has just completed the work of his special agency, in viewing the improvements of the people, &c., and, from what I have observed of his official conduct, and have learned from my intercourse with him of his character, talents and disposition, I am induced to believe that a better agent, for the Choctaws west, could not well be selected.

I remain, very respectfully, &c.,

GREENWOOD LEFLORE,
Chief N. W. District, Choctaw Nation.

HON. SECRETARY OF WAR.

BIG SAND, CHOCTAW NATION, *Aug. 30, 1831.*

SIR: Yours of the 19th ultimo, asking for information in relation to certain points connected with the removal of the Choctaw people west has just been received.

I have already, in my communications to the War Department, submitted my views on this subject, but not in so explicit a manner as I should have done, had I not thought that the plans of the General Government as to the mode of removal were fixed and unalterable. I have always thought that the plan of employing wagons principally in the removal is not the best that could be devised. It is my opinion, if depots of provisions were established at certain points on the route, and notice were given to the people

that those who would remove themselves would be allowed by Government a certain sum per head, and be permitted to draw a certain quantity of provisions on the way at the depots established for the purpose, that very many of the people, especially those who have horses, would avail themselves of the offer. With respect to some who have not horses, and the aged and infirm, I think that a water conveyance would generally be preferable to one by land. It might, however, and probably would be advisable to employ a few wagons for the removal of such as have much baggage to take with them. I have heretofore thought, if wagons are principally to be used, that the best route would be from Standley's, a point on the Yazoo valley, to Point Chico on the Mississippi; and from thence, by different routes, to the Red river and Arkansas. On account of the peculiarity of the season, however, I now think that it would be impracticable to use this route. The rains have been so frequent and heavy of late that the swamp road has become impassable, and will probably remain so during the season. What wagons are employed should take the route by Vicksburg; to which place there are good roads from all parts of the Choctaw county, and from which, after crossing the Mississippi, there are good roads to the place of destination. If steamboats are to be employed, the emigrants should be collected at Vicksburg, where there will probably be a depot of provisions; and from thence, those who are destined for the Red river country, should be conveyed to Washington, a town on the Washita river, from which place there is a good road to Kiamichi, in the Choctaw country, one hundred miles distant; while those who wish to settle on the Arkansas may be conveyed to Fort Smith on that river. After the necessary preparations of provisions, &c. are made, it will require but little time to collect the Indians; and it is desirable on many accounts that the work of removal should be commenced soon. The people are now in a state of anarchy and confusion. A few unprincipled men are constantly engaged in creating dissensions among them, with the view of impairing the influence of those chiefs and captains who made the treaty. Councils have repeatedly been held for the purpose of breaking those officers, and appointing new ones; but the instructions of the Government to the resident agent, not to recognize any officers but those named in the treaty, have as yet foiled the designs of the discontented. A majority of the people, embracing the sober-minded and well-meaning part of them, are satisfied with the change in their political condition, and are anxious to remove; while the dissipated and worthless part of the community prefer living under laws, which permit the indulgence of their vicious habits, to removing to a country where they fear the restrictions of laws adapted to their peculiar condition. I expect to be ready to remove during the ensuing winter, and I presume that the necessary provisions for the settlement of the chiefs in the new country, and the comfort of their families will be made in due time.

I remain, your obedient servant,

GREENWOOD LEFLORE,

Chief N. W. District, Cherokee Nation.

S. S. HAMILTON, Esq.

UNITED STATES INDIAN AGENCY,

Prairie du Chien, August 31, 1831.

SIR: Yesterday evening I received a letter from Major Taliaferro, Indian

agent at St. Peters, in which he informs me that on the 25th of July last, the Sac and Fox Indians entered the Sioux country and killed two Wahpakonetta Sioux near the Blue Earth river, a southern tributary of the St. Peters. One of the killed was a brother of the principal chief, and the other a brave; both men of considerable consequence in the tribe. One Fox was killed in the attack.

Major Taliaferro expresses the apprehension of a retaliation so soon as he has what the Indians will consider time to receive word from their great father. I am led to believe from talks with the Menomonies and Winnebagoes, that it will scarcely be possible for me to restrain them, if a war party of Sioux start against the Sacs and Foxes.

The very bold and daring conduct of these last mentioned Indians, evinces a determination to set at defiance the interference of the United States; and if not now made to feel the power and authority of our Government, will not long hesitate to begin on the whites.

I should be extremely gratified to be instructed, particularly, what to say and do in relation to Indians, &c.

Respectfully,

Your most obedient servant,

JOS. M. STREET,

United States Indian Agent.

The Hon. SECRETARY OF THE WAR DEPARTMENT.

NEW YORK, *September 1, 1831.*

DEAR SIR: Yours of the 26th ult. we have received, and have this day shipped the blankets for New Orleans, per packet ship Talma.

The invoices, bill of lading, and policy of insurance will be forwarded to you to-morrow.

We could not procure insurance further up the Arkansas than Little Rock, which, we believe, is about one hundred miles below Fort Smith.

Yours, very respectfully,

SUYDAM, JACKSON & CO.

ELBERT HERRING, Esq.

PHILADELPHIA, *September 1, 1831.*

DEAR SIR: I have received your favor of the 26th ult., ordering 250 cotton cards, No. 6, and 250 wool cards, No. 4. On inquiring for them this day, I find that there is no number of cotton cards usually sold, except Nos. from 8 to 10; and of wool cards from 5 to 6; the price of the former being \$5 75 per dozen, and of the wool \$3 50 per dozen.

If you will direct me to purchase No. 8 of cotton, and No. 5 of wool, it shall be attended to without delay, and all the other injunctions of your letter fulfilled.

I am, very sincerely and respectfully,

HENRY TOLAND.

ELBERT HERRING, Esq.,

Office of Indian Affairs.

TIFFIN, OHIO, *September 2, 1831.*

SIR: I have the gratification to accompany this letter with the "articles of agreement and convention," concluded at Miami bay, in Michigan territory, on the 30th ultimo, with the *Ottaway* Indians, residing in this State, for a cession of all the lands owned by them in Ohio, amounting to nearly 50,000 acres.

I will make another and more detailed official communication on this subject so soon as the impaired state of my health will permit.

I have the honor to be,

With great respect,

Your most obedient servant,

JAMES B. GARDINER.

Honorable LEWIS CASS,
Secretary of War.

CHEROKEE AGENCY, *September 2, 1831.*

SIR: We have paid only fifty cents of the annuity since my letter to you of the 30th June ult., nor do I expect to pay any more shortly, at least in this quarter. I have enclosed you an extract of a long letter written by a chief called the Crawling Snake, to Mr. Boudinot, and published in the *Phoenix* in Cherokee characters, and translated by the interpreter, which shows the means resorted to by the chiefs to prevent the Indians from receiving it. I am also told that he has been holding meetings in several other villages, (no doubt by direction of the principal chief,) and I have reason to believe that similar resolutions have been entered into in all, or most of the villages, on this side of the nation, and in the valley towns.

I am told that on the Georgia side, especially in the neighborhood where the Georgia guard are stationed, and where they are not so much influenced by fear of the chiefs, that they would receive it; but the sum due to each is too small to justify their coming here for it, even if they dare. If it would meet with your approbation, I would go and pay them there.

We have had another great freshet, and three of our public boats have got off. The man who is employed to take care of them has just returned from following them, and has stopped one of them near the mouth of this river; the others not heard of. The whole of them are so much impaired, that it will take nearly as much as they are worth to put them in order again. The calking is all rotten, and they will be all to take down and turn over and calk.

I have enclosed you a letter, just received from an attorney, in Georgia, on the subject of a claim he has on the Government for professional services; which claim was reported on the 15th December last. See my letter of that date.

Very respectfully,

Your obedient servant,

H. MONTGOMERY.

Honorable LEWIS CASS,
Secretary of War, Washington City.

[*Extract.*]

"LONG SAVANNAH, July 24, 1831.

"We have taken some measures, in this place, to stop them from drawing the annuity, and have appointed a man (Mike) to carry this resolution into effect; should any violate it, we have also given the hickory into his hand, and any who receives five dollars is to have fifty lashes, because he has disobeyed the talks of the chiefs."

Hon. LEWIS CASS, *Sec. War.*

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, September 2, 1831.

SIR: By a letter received from the agent of the Shawnees, Delawares, and Kickapoos, I am informed that the latter tribe have expressed a willingness to sell or exchange their lands within this State for lands on the Missouri river, without the limits of the State.

The Kickapoos have a tract of country assigned to them by the treaty of 1816, within this State, of about sixty miles square, on the Osage river and the Pomme de Terre, to which the white settlers are approaching very fast, and between whom and those Indians difficulties occur every day.

I would, therefore, recommend that the agent be instructed to sound them on the subject of an exchange for land on the Missouri above Cantonment Leavenworth, and to ascertain and report the probable terms upon which it could be effected; or treat with them, if thought more advisable. The agent (Major Cummins) could negotiate a matter of this kind with very little expense to the Government. It is believed they would exchange their lands on terms somewhat similar to those concluded with the Delawares; the annuity to be equal to that heretofore received by them, and which will expire in 1834.

I am, sir, with high respect,
Your most obedient servant,

WILLIAM CLARK.

The Honorable LEWIS CASS,
Secretary of War.

NEW YORK, *September 3, 1831.*

SIR: Accompanying this we hand you duplicate invoices of blankets, ordered in yours of the 26th ultimo, together with bill of lading, bill of freight, policy of insurance, and copy of our instructions to the consignee at New Orleans.

We have *been obliged* to vary your memorandum, as to the *size* of the blankets, as it was **UTTERLY IMPOSSIBLE** to furnish the quantity of 2½ and 3 points, either in this city or Philadelphia, to meet your order. It could have been done one week previous to the receipt of your order; and it is the first instance that we have not been able to furnish a full supply of 3 point *Mackinac* blankets, in several years.

We are now in daily expectation of receiving a supply, which will make our assortment complete. The goods now sent, are such as the Fur Company and ourselves supply to the northwest traders, and of a quality far superior to any thing the Choctaws have ever used.

The Secretary of War is acquainted with the description of blankets used at the north, and we beg to refer you to him.

In your future orders, if convenient to you, a few weeks' previous intimation that you will require a certain quantity of blankets, or other Indian goods, will be sufficient to insure their fulfilment.

We are, yours,

Very respectfully,

SUYDAM, JACKSON, & Co.

ELBERT HERRING, Esq.

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, September 3, 1831.

SIR: The late Secretary of War authorized Mr. Sanford, sub Indian agent in the Upper Missouri, to take on some of the principal men of the tribes of his agency to the seat of Government, limiting the number, and authorized him to call on me for funds to defray the expenses, which he said should be placed in my hands for that purpose. By a letter received from Mr. Sanford, of the 19th July, at the Yellow Stone river, I am informed that he will be at this place about the 15th of November, with the number of Indians authorized to be taken on; and requests me to apply for funds to bear his expenses to Washington, if none have already been placed in my hands. As no funds have been received by me for that object, I must request to be instructed on the subject. Mr. Sanford informed me, he had forwarded to the Secretary of War an estimate of the amount which would be probably required at St. Louis.

With high respect,

I have the honor to be,

Your most obedient servant,

WM. CLARK.

The Hon. LEWIS CASS,

Secretary of War.

INDIAN AGENCY, COLUMBUS, OHIO, *September 6, 1831.*

DEAR SIR: At the payment of annuities, the Wyandots refused, if the arrearages in their annuity for 1830 and '31 were not made good, that they would not in any shape or manner enter into any arrangements whatever, as it respects the exchange of lands, &c. It was, therefore, considered best to make up the arrearages—three hundred and fifty dollars; and I have no doubt but the reasons for doing so, will be considered sufficient by the department. I will, therefore, on to-morrow draw on the department for that amount, as well as for seven hundred and forty-two dollars, and ninety cents, for the pay of Mr. Walker and John Lewis, for their services within this agency, for 1829, as directed by the department, August 1st, 1831.

I am, very respectfully,

Your most obedient servant,

JOHN McELVAIN,

Indian Agent.

To the Hon. LEWIS CASS,

Secretary of War, Washington.

ORDNANCE DEPARTMENT,

Washington, September 6, 1831.

SIR: I have the honor to enclose, herewith, a letter from Major R. L. Baker to this department, accompanying a certificate of inspection for five hundred axes, intended for the Indian Department.

I am, sir, very respectfully,

Your obedient servant,

GEO. BOMFORD,

Bt. Col. on Ordnance Service.

The Honorable SECRETARY OF WAR.

ALLEGHANY ARSENAL, *August 29, 1831.*

SIR: I enclose a certificate of inspection of 500 axes, sent to this arsenal by Mr. Jno. Harris, of Sterrit's Gap. A duplicate has been forwarded to Mr. Harris.

I await instructions relative to the future disposition of the axes.

I am, sir, very respectfully,

Your obedient servant,

R. L. BAKER,

Major U. S. A.

Col. GEO. BOMFORD, *Ord. Dep.*

P. S. I will remark, that one of our most extensive axe manufacturers called in whilst I was engaged in the inspection of Mr. Harris's axes, and offered to furnish any number of *similar weight* and quality, at from \$10 to \$12 per dozen.

Should the department require any considerable number, the following estimate of their *actual* cost may be possibly of service.

5 lbs. iron, to make a 4½ lb. axe,	-	-	-	-	\$0 25
½ lb. cast steel,	-	-	-	-	0 12
Forging,	-	-	-	-	0 25
Grinding,	-	-	-	-	0 08
⅓ bushel coal,	-	-	-	-	0 01
2 per cent. for loss in inspection,	-	-	-	-	0 01½
Each axe					<u>\$0 72½</u>

[*Duplicate.*]

ALLEGHANY ARSENAL, PA., *August 29, 1831.*

I hereby certify, that I have this day inspected five hundred axes, sent to this arsenal, for the use of the Indians, by Mr. John Harris, of Sterrit's Gap. Of the above number, *four hundred and eighty-nine* have been received by me, as being of good quality, and *eleven* have been condemned for visible defects.

The average weight of the foregoing axes is found on weighing one box of fifty, to be three and two-third pounds each.

R. L. BAKER,

Major U. S. Army.

TIFFIN, OHIO, *September 7, 1831.*

SIR: It becomes my duty to inform you, that much unpleasant excitement prevails among the chiefs, and indeed the whole band of the Senecas of Sandusky, who are now ready to remove west of the Mississippi, in conformity with the treaty made with them at Washington last winter. They have crowded my office ever since my return from Miami bay, and appear highly dissatisfied with the conduct of the agent, Colonel McElvain. I told them I could not interfere with any regulations of the agent; but finding them importunate and greatly exasperated, I promised to make their complaints known to *you*.

The Indians say that Colonel McElvain wishes to *force* himself on them as their conductor to their new home, notwithstanding the repeated assurances of Major Eaton that their sub-agent, Captain Henry C. Brish, should have charge of their conveyance. (The late Secretary of War *did* make such a promise in my presence.) They also allege, that the agent has refused to recognize their native interpreter, appointed by the late Secretary, and will not pay him for his services, *as specially provided in the treaty*. They say, when he paid them for their improvements two weeks ago, he insisted on detaining at first three thousand, and then at least one thousand dollars of their money, to be applied by *him* for their use, as *he* might think proper; which, after "quarrelling two days," they refused to submit to. He then abused them for going to Washington last winter, "living at fine taverns," and putting the Government to so much expense. He refused to pay for some provisions which their sub-agent furnished, for a general council of their tribe, after they returned from Washington, and which has long since been directed to be paid by the principal of the office of Indian affairs. After receiving the money for their improvements, they told the agent they were now ready to remove, and wished to do so before the cold weather set in; but he went home to Columbus, one hundred miles from them, without making any arrangement, or giving them the least satisfaction.

Such are the statements of the Indians; and I am sorry to say, they are *confirmed* by the sub-agent and several highly respectable citizens, who attended the payment.

The chiefs declare to me, in the most positive terms, that they will not go under the charge of Colonel McElvain. They say they would rather stay "until they are *pushed off* by their great father."

This state of things has already become known to the *Wyandots*, among whom I am yet to operate. It will, I fear, unless speedily remedied, have the effect to prejudice, and perhaps to *frustrate* my efforts to negotiate with *them*.

Permit me to suggest for your consideration, the propriety of communicating *directly* with Captain Brish, and authorizing him to draw upon Colonel McElvain for the funds now in his hands, which were appropriated for carrying into effect the treaty with the Senecas of Sandusky, and to take immediate measures for the safe and speedy conveyance of that band to their new residence. This would remove the difficulties with the Senecas, if Mr. Brish should also be instructed to pay the interpreter, as the treaty provides; it would also inspire the Wyandots with confidence in the promises of the Government, particularly as some of them wish to accompany the Senecas.

Captain Brish has performed all the labor of making the preparatory ar-

rangements—the appraisements, estimates, and apportionments for distributing the amount advanced for improvements; and is now about to attend to the sale of the chattel property.

He is amply responsible for any sums committed to him for disbursement, and will be able to give the most unexceptionable security. By a letter from Colonel Hamilton to Colonel McElvain, of 21st May last, I perceive Captain Brish is therein recognized as the person who is to have charge of the Senecas.

I have the honor to be,

With great respect,

Your most obedient servant,

J. B. GARDINER.

Hon. LEWIS CASS, *Secretary of War.*

INDIAN AGENCY, COLUMBUS, OHIO, *Sept. 7, 1831.*

DEAR SIR: As directed, I have attempted to make out an estimate of the probable expense of removing the Senecas, which is as follows:

Of those that go by land, say one hundred, and the distance to be one thousand miles, and the Indians on their journey to average twenty miles per day, in all fifty days.

Supporting each per day, at 10 cents	-	-	-	\$500 00
10 horses, at \$45 per head	-	-	-	450 00
15 saddles, at \$14	-	-	-	210 00
50 bridles, at \$1	-	-	-	50 00
375 yards linen or cotton for tents, at 31 cents	-	-	-	116 25
25 small bags to pack provision, at 50 cents	-	-	-	12 50
One superintendent, 90 days going and returning, at \$2 50 per day	-	-	-	225 00
An interpreter same time, say	-	-	-	150 00
Horse shoeing and feed, and other incidental expenses	-	-	-	600 00

\$2,313 75

It is difficult to form an estimate of the expenses of those that go by water, as it is uncertain, after they arrive at St. Louis, in what way the balance of the journey has got to be travelled, owing entirely to the stage of the water, &c.; and if it has got to be travelled by land, it will be more expensive, as wagons and horses will have to be employed for the purpose.

About 230 going by water, the hire of wagons and horses

to convey them to Cincinnati, 210 miles, say	-	-	\$400 00
Supporting them to that point 13 days, at 10 cents per day per head	-	-	345 00
Transporting same to St. Louis, at \$3 per head	-	-	690 00
Supporting them on steamboat to St. Louis, 7 days	-	-	160 00
Incidental expenses, such as clothing, &c., say	-	-	700 00
The probable expense from St. Louis to their reservation	-	-	1,500 00

\$3,795 00

Total amount

\$6,108 75

It will be seen that the average will be about \$18 50. It seems to me, at the same time, that it ought not to cost that sum; but it also appears to me, that the several sums in the estimate are reasonable. However, I suppose a few hundred dollars either way will make but little difference. I will, therefore, on to-morrow, draw on the department for \$6,000 for the object aforesaid.

I would have been much pleased to have received an answer to my letter of the 28th of last month, before I set about this business, but as the season is fast wasting, and as I am informed, the Senecas are almost prepared for their journey, I consider it best not to delay a moment longer than could be helped.

And, although I scarcely have had time to arrange my papers since the payment of annuities, still I will leave my other duties to a more leisure time, and turn my whole attention to the removal of these people. I will leave here within two days for that purpose.

I am, very respectfully,

Your most obedient servant,

JOHN McELVAIN,

Indian Agent.

The Hon. LEWIS CASS,

Secretary of War, Washington.

CHEROKEE AGENCY, *September 9, 1831.*

SIR: Your letter of the 13th August ult., came to hand on the 2d inst., and I have prepared lists for enrolment, but none have as yet enrolled.

I have seen but few of those who have talked of it, and those who I have seen make several objections to the terms offered; one is, that there is no time set, or specific number named, which must be made up before they shall be sent off; another is, that the offer does not embrace all the articles which those who do emigrate are entitled to, under the treaty of the 6th May, 1828, viz.: blankets, &c.; another, and perhaps not the least, is, that they want to see the assessor with the money in his pocket, to assess and pay them for their improvements.

The chiefs have for a long time been drilling them into the belief, that no reliance is to be placed in the promises of Government; that they never pay what they promise, and they seem to be fearful that should they enrol and dispose of their property, the number which the Government might require to enrol before they would pay them for their improvements, and send them off, might not be made up by the time they would wish to go, if at all; and then they would be left to the scoffs, ridicule, and abuse of the chiefs and those who are opposed to the emigration. If one or more assessors were here, and to travel through the nation, and visit every family that were inclined to go, and enrol them, and assess their improvements, and pay them for them, or notify them of the time when they would be received at some place of rendezvous, and paid for their improvements, and supplied with provisions from the time of their arrival until sent off, and assured at some given time, say Christmas or the 1st of February, or that when some certain given number were collected, they should certainly be sent off, I have no doubt but a great number would go this winter; and more and more every year until finally the national pride of the chiefs

would be humbled, and they and the remainder of the Indians would come to terms, and follow their brethren to the west. But it will not do to wait at the office for them to come here to enrol; the greater part of those who are inclined to go live on the south side of the nation, and at a considerable distance from the agency, and dare not come. If they were to set out, most or many of them would be persuaded or scared out of it, before they would get here. You will see by my letter of the 2d instant, the means resorted to, to prevent them from receiving their annuity; and I have no doubt but the same or more violent means will be resorted to, to prevent them from enrolling, as there is nothing the chiefs dread so much as sending off their subjects by enrolment.

Believing it probable that you may direct blankets and kettles to be issued to the emigrants as heretofore, it may be proper to state that we have a sufficient supply of both on hand for the present year. The blankets having been so long on hand, I fear that some of them are injured with the moths.

As some of them talk of going on horseback, will you be so good as to say what allowance, if any, will be made them in lieu of boat freightage and provisions, &c.

Will you do me the honor to answer this letter as soon as convenient.

Very respectfully,

Your obedient servant,

Hon. LEWIS CASS,

H. MONTGOMERY.

Secretary of War, Washington City.

CALHOUN, TENNESSEE, *September 9, 1831.*

SIR: By having reference to the files of your office, you will find that, in the fall of 1828, we entered into a contract with the agent, Colonel Montgomery, to furnish the rations for the emigrating Cherokees, for which we were to receive five and a half cents per ration; the ration to consist of one pound of salted pork, or one and a fourth pound of beef, and a pound and a quarter of sifted corn meal.

At the time when the contract was let, provisions were low. Pork could be had plenty at two dollars per head; beef and corn in proportion. The first year we barely got pay for our trouble. The second year provisions took a rise; pork got as high as four cents, and the greater part of what we furnished cost us that price, besides the trouble of getting it. The requisitions not being made on us until late in the season, and then large, we lost a considerable sum of money.

Notwithstanding, we believe the Government did not wish to oppress us, although we had voluntarily made the contract, we addressed the then Secretary, Colonel Eaton, through Judge White, on the subject of our grievances, and on the 15th of May, 1830, the Secretary enclosed our letter to Colonel Montgomery, with a request that he should give him all the information he could on the subject; and accordingly, on the 18th of June, 1830, he answered this request, to which letters, I would now call your attention; and as there is a probability of a large emigration this fall, we still wish to furnish what rations may be required, but we wish to do it at a price that we can live by. We, therefore, would say, that we will furnish all the rations that may be needed at the Cherokee Agency, at six and a half cents per ration, to consist of one and a fourth pounds of beef, or three-fourths of a

pound of salted pork, and one and a fourth pounds of corn meal, which will be a sufficient quantity for them.

After examining those two letters, should you be of opinion that we had a losing contract, which we assure you is the fact, we trust that you will give us the contract at a fair price. Should this meet your approbation, you will inform us as early as possible, that we may be making preparation to furnish. There need be no issuing agent appointed as before, as we will make the issues ourselves, at that price.

These travelling rations should be put up in barrels, which we will furnish at the lowest price that we can get them delivered to us.

Yours, respectfully,

JACOB SHARP,
JOHN L. McCARTY.

The Hon. LEWIS CASS,
Secretary of War.

SEPTEMBER 9, 1831.

From the experience which I have had, I believe that the rations as proposed is sufficient for the Indians, taking them in the aggregate, viz.: men, women, and children. I further certify, that Messrs. Sharp and McCarty are responsible men, and can give the best of security.

H. MONTGOMERY.

PHILADELPHIA, *September 10, 1831.*

DEAR SIR: The 26th of August, I sent my bills, with the necessary signatures, &c., attached, for three hundred and ten rifles, delivered according to order.

I have not heard from you since. I should be thankful to you, to let me know whether the bills, &c., come to hand; if so, to have the amount due to me, (for the three hundred ten rifles delivered,) remitted so soon as convenient.

You will oblige, your obedient servant,

HENRY DERENGER.

ELBERT HERRING, Esq.,
Indian Bureau.

CHOCTAW AGENCY, *September 10, 1831.*

SIR: I feel it my duty to inform you that Mr. William Douglass, the gentleman that was appointed to value the Indian cattle and dispose of them, arrived at this place about two weeks since; soon after his arrival he was taken sick. I sent him in a carriage up to Columbus, where he could get medical aid. He only survived two days. He died yesterday.

Captain Calhoun is here at this time, who has an agency in removing the Indians; also, Mr. George S. Gaines has an agent passing through the Indian country, to obtain information of those Indians that would move themselves at ten dollars per head, &c. I presume that a great number will accept of

the offer made through Mr. Gaines to move themselves. Captain Calhoun and myself will go up to Columbus, and employ some suitable person to proceed forthwith to valuing the cattle, and dispose of them agreeably to the instructions given to Douglass, as this business had been commenced by giving notice in two newspapers, and the day of the first sale at this place, on the 18th instant. This course is thought advisable, as there would be a disappointment before an appointment could be made at Washington to effect this object. It is thought there will go off this year about six thousand. Since the arrival at this place of Messrs. Douglass and Calhoun, there has been a general council, and all the chiefs were here, and appear to be fully in the spirit of removing off, without any difficulty whatever.

I have the honor to be,

Very respectfully,

Your most obedient servant,

W. WARD, *Agent C. N.*

HON. LEWIS CASS,

Secretary of War.

P. S. Mr. Hamilton's letter has been duly received, requesting the examination of the accounts for ferrying Choctaws over the Mississippi. Its contents shall be attended to in due time.

W. W.

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, September 14, 1831.

SIR: I have the honor to acknowledge the receipt of your letter of 29th August, on the subject of the surveys required by the treaty of Prairie du Chien, of last year, copies of which have been communicated to General Hughes and Major Bean. My own opinion as to the proper mode of compensation for those surveys, would be to pay by the mile; and I have accordingly invited these gentlemen to make proposals in that way, and to make out and forward an estimate of the probable number of hands required and their pay, the cost of provisions for them and the Indians who will accompany the party, and the compensation to which these Indians will be entitled. I have also intimated a belief that the work might be performed for less than the appropriation.

I shall, however, make the best arrangements in my power, taking into view the necessity of economising the public funds, as well as the justice of making fair and liberal compensation for so arduous and laborious a service.

With high respect,

I have the honor to be,

Your most obedient servant,

WM. CLARK.

ELBERT HERRING, Esq.,

Indian Department, Washington City.

TIFFIN, OHIO, *September 16, 1831.*

SIR: Immediately on the receipt of your letter of the 5th instant, I communicated its contents to the Wyandot chiefs. They express themselves thankfully for the privilege granted to them to view the country west of the

Mississippi, previously to their final conclusion of their treaty. They say they do not wish to put the Government to any unnecessary expense; but the distance which their delegation will travel will be very great, say at least 2,500 miles going and returning, and they cannot trust any but their most intelligent and prudent men to go. Such men will *not go*, unless they can, in addition to their mere expenses, receive sufficient to hire hands in their places to gather their corn, feed their cattle, and take care of their domestic concerns during their absence. The white man, too, whom they would choose as their conductor, is a merchant engaged in a profitable business; but as he is *one of the nation*, and speaks the language, there cannot be a more suitable person. They design to send four of their principal men, and their white friend. Two hundred dollars each, (making in all *one thousand* dollars,) they will be willing to receive in *full of all expenses whatever*.

The treaty with the Wyandots, if it can be effected, will be very important to the Government, as well as the people of Ohio. The sum of seventy cents per acre, deducted from the sales of their highly valuable reservations, (162,000 acres,) will amount to \$113,400, which sum, after paying all the expenses consequent upon the treaty, will leave a large balance in favor of the Government.

I think the sum asked is not unreasonable, particularly as it is understood to include *all contingencies*, and to exclude all *after claims* for services, or any thing of the kind.

Should this amount be deemed reasonable by the department, please to notify me of the fact *as soon as possible*, as the season is rapidly advancing when my business ought, if possible, to be brought to a close, and the time occupied by the exploring party will be considerable. If you will empower me to draw upon the department for the sum stated, I will immediately get it cashed, and send off the delegation with all possible despatch.

On the other subject embraced in your letter of the fifth instant, I will do myself the honor to write you by the next mail.

Permit me again to ask the favor of having a book containing the Indian treaties. It will be of much use to me for reference.

Very respectfully,

Your most obedient servant,

J. B. GARDINER.

Col. SAMUEL S. HAMILTON;

Office Indian Affairs.

CHEROKEE AGENCY, *September 16, 1831.*

SIR: Another week has passed, and I have enrolled no emigrants. Several talk of going, and some say they will enrol, but that it is time enough, as they are not to be sent off shortly. As I stated in my last, every one has a dread of being the first to incur the displeasure of their rulers.

It is said there is a law of the nation subjecting every man who enrolls for emigration to one hundred lashes; hence the backwardness to begin, especially as they are not to be taken immediately under the protection of the United States, and sent off.

Under the belief that it will meet your approbation, I have thought that after waiting another week, if nothing is done here, and I can possibly leave

the office, to go over to the Georgia side, for the double purpose of paying the annuity and enrolling emigrants. There, I am told, I can enrol a goodly number. I fear I shall meet with some of the objections which are made here, viz., they will want their improvements valued at once, and to be sent off as soon as they get ready.

It would certainly be some encouragement to the people to enrol, if the sums due for improvements abandoned by the last emigrants were paid up: the persons in whose hands they are, are very much in want of the money. For information on that subject, I refer you to my estimate of the 30th June ultimo.

Very respectfully,
Your obedient servant,
H. MONTGOMERY.

Hon. LEWIS CASS,
Secretary of War, Washington City.

CHEROKEE AGENCY, *September 17, 1831.*

SIR: I have this day drawn on you, for eleven thousand one hundred eighty-three dollars and fifty-cents, in favor of the President of the United States Branch Bank, at Nashville, for the purpose of paying for improvements abandoned by emigrating Cherokees east of the Mississippi, to the Cherokee nation west of the Mississippi, under the provisions of the treaty of the 6th May, 1828, and some other small incidental expenses incurred in removal of said emigrants, agreeably to your instructions of the 31st of August ult., all of which will be faithfully appropriated to the purposes mentioned, and strictly accounted for.

I am, sir, respectfully,
Your obedient servant,
H. MONTGOMERY,

United States' Agent for the Cherokees east of the Mississippi river.
To the Hon. LEWIS CASS,
Secretary of War, Washington City.

MAUMEE, *September 19, 1831.*

DEAR SIR: I take the liberty to address you about the fraction of land on the river Huron, on which I formerly resided, and on which I have made improvements. The Shawnees having sold out at Waupaghkonetta, will remove west of the Mississippi, and I have not yet concluded whether I will go with them or not, neither has my brother. If you can procure me a title for the land above alluded to, it will be very doubtful if I go with them, as some of my friends still reside on the Huron; at all events, I should wish to own or have a title for the above land, and I have always depended on you to get a title for the said tract of land, as you advised me to go on it, and improve it, &c., and observed to me that you would try to get a title for it for me. If I can get it, and should go west of the Mississippi, I can dispose of it, or I can keep it, just as I may feel in want of funds. If you are going to Detroit this fall, and will write me about the time you will be there, I will go to Detroit and see you there, if you think best, or will you please write

me, and let me know if you will require a description of the tract, &c. Any assistance you can render me in obtaining the title, will be thankfully received by

Your obedient humble servant,
JOSEPH PARKS.

Hon. LEWIS CASS,
Secretary of War, Washington City.

N. B. Mr. George Johnson put in a claim against the Shawnees for \$22,000, and had it signed by some of the young chiefs. I was not aware of it at the time, as they took great pains not to let me know it. I did not ascertain it until after the treaty, when I was at Upper Sandusky. It is not a just claim, and I am sure they do not owe him over \$2,000, if so much. I take the liberty to mention this to you, so as not to allow my friends, the Shawnees, to be imposed upon. I know it is impossible they could be so much indebted to him for the short time he has been trading among them; the Ottaways did not owe or agree to pay more than the amount of his claim, to these persons who have been residing, and trading with them for fifteen years past, to wit, Mr. Hunt, Mr. Hollister, and Mr. Forsyth; and they all agreed to pay a number of old claims, which all put together does not much exceed Johnson's, if any. I know Johnson's claim is not a just one, and it ought not to be allowed at all.

Yours, respectfully,
JOS. PARKS.

CREEK AGENCY, *September 20, 1831.*

SIR: There are several Indian families in this neighborhood desirous of emigrating at their own expense, if the Government will not pay them; but they have improvements which they think too great a sacrifice to leave without compensation, and have requested me to ask the favor of you, to pay them a reasonable price for them, or if this request cannot be granted, then to authorize them to rent or lease them to white persons.

The chiefs have requested me to call your attention to the \$3,500, which were retained out of the present year's annuity, for two drafts, one in favor of Hawkins, and the other in favor of Col. Brearley; these drafts were drawn by the western Creeks, and should have been deducted from their portion of the Creek annuity.

The chiefs are desirous of sending a delegation to Washington city, this winter, and have requested me to ascertain whether such a measure would meet the approbation of the President, and their expenses paid by the Government.

There are several Indians who hold reserves of land in the State of Alabama, under the treaty of Fort Jackson, that are anxious to sell them, and have requested me to call your attention to the subject. By an act of Congress the President alone is authorized to purchase such claims.

I have the honor to be,

Your obedient servant,
JNO. CROWELL,
Agent Indian Affairs.

Hon. LEWIS CASS,
Secretary of War, Washington City.

FORT BALL, OHIO, *September 20, 1831.*

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, directing me to accompany the Senecas of Sandusky to their lands west of the Mississippi, and in case they divide, to go with one party, as Col. McElvain may select, and to place myself under his instructions as far as St. Louis. - I am also directed to remain with the Indians one year, for a salary of \$1,200 per annum.

I beg the department to believe that I feel every disposition to facilitate its efforts for the removal of those Indians, and to carry into effect the wise and benevolent policy of the administration. So far my exertions have been unremitted in furtherance of this object; and so far, too, I have been successful in preparing the Senecas for removal. The whole labor has devolved upon me, single handed, by order of the agent, and I have performed it with all the promptness and ability in my power; but the orders now received are of such a nature as to render it out of my power, with either consistency or propriety, to proceed further; and if the department think proper to insist on the course indicated in your letter of the 6th instant, I wish this letter may be considered as my resignation of the office of sub-agent. This determination is taken maturely, and with the utmost respect for the views and judgment of the department; but justice to the Indians, as well as myself, forbids that I should act in a subordinate capacity after having already borne the whole burthen of the preparations, under an express assurance to myself and the chiefs at Washington that I should be appointed to remove them. It would be uncandid to disguise the fact that the Senecas complain of numerous grievances on the part of the agent, both before and since they went to see the President. They declare positively they will not go with him, nor under his control. Major Eaton promised them that I should be their conductor, and I promised them to act as such.

It is also proper to say that I consider the compensation less than my labors, exposure, and privations would seem to require; but I would waive this objection, and trust to the future liberality of the department, if I were not required to act under the control of a man with whom I cannot harmonize, and to whom the Indians have insurmountable objections.

I shall continue in the faithful discharge of my duty until I receive an answer to this letter, and learn the final determination of the department.

With great respect and esteem,

I have the honor to be,

Your most obedient servant,

HENRY C. BRISH,

Sub Indian Agent.

To Col. SAMUEL S. HAMILTON.

P. S. Since writing the above, I have received a letter from Col. McElvain, by which it appears that the orders contained in your letter of the 6th instant are based partly on suggestions made by himself, without any consultation with myself or the chiefs of the Senecas. Col. McElvain says I am to go by land with a party, and that party is now ready to start. The sale of the chattel property of the Indians, which I am directed to superintend; takes place the day after to-morrow, and will occupy me busily four or five or more days; so that it is impossible that I can obey his orders without disobeying the previous orders of the department. He *informed me a few days ago that he had engaged a person to go with the party by land;*

and, of course, I made no preparations for such service. I feel myself entirely able to remove the Senecas speedily and economically, in a manner highly satisfactory to them, and which would be in strict conformity with the policy of the Government; but under the arrangements in your letter of the 6th instant, it is impossible that I can act usefully or consistently.

Yours, respectfully,

H. C. BRISH,

Sub Indian Agent.

INDIAN SALE.

Will be offered at public auction, on the 22d, 23d, and 24th instant, at the following places, viz.: at the house of Samuel Cloud Spicer, on the Sandusky, on the 22d; at the council-house, on the Sandusky, on the 23d; and at the new council-house, near Green creek, on the 24th, all the *live stock, farming utensils and other chattel property* which the Seneca Indians may not be able to take with them on their removal. Sale to commence at 10 o'clock on each day. Terms cash.

HENRY C. BRISH, *Agent.*

Sept. 8, 1831.

KNOXVILLE, TENNESSEE, *Sept. 21, 1831.*

SIR: I have the honor of informing you that I arrived at this place two days since on my way to Washington city, having with me the books complete showing the various reservations granted under the treaty to the Choctaws, exhibiting, at the same time, the census of that nation, together with a recommendation expressing their desire that I should be appointed their agent west of the Mississippi, signed by the three principal chiefs, and such of their captains as were present at a meeting that took place at the agency, for the purpose of designating the claims where the classes overrun, as expressed in the treaty.

I expect to be in Washington city about the 18th October, for the purpose of settling up the business in which I have been engaged.

When I left the nation the Indians looked upon me as their agent; therefore, I am commissioned with a great variety of business for them; and, from my general intercourse with them the past summer, it will be in my power to give such information to the department as will afford great facilities hereafter in the transaction of the business of the nation.

I have the honor to be,

Your most obedient servant,

F. W. ARMSTRONG.

Hon. LEWIS CASS,

Secretary of War.

KNOXVILLE, TENNESSEE, *September 21, 1831.*

SIR: Having just learned, with regret, that Mr. Douglass, the gentleman who was appointed to value the cattle of the Choctaws, died at Columbus, Mississippi, at which place I left him a few days before his death:—

I consider it my duty, under my instructions, to suggest whatever in my opinion may facilitate the business of the Government, in carrying into effect the late treaty with the Choctaws. I have examined with care, the instructions given Mr. Douglass.

The object, as expressed in the order, was to prevent a total loss to the United States, in the disposition of the cattle.

To pursue the instructions at this time of the year, and in the manner pointed out, the very thing intended to have been prevented, will to a great extent be effected. To visit each farm is almost impracticable; and value and make sales forthwith, would put it in the power of persons to follow the officer, and combine and get the cattle for almost nothing. It is well known to the people of the west, that the only season for collecting stock is the spring; at this season of the year the cattle are in the cane swamps, and it will be almost impossible to get them out.

I conversed freely with the chiefs and the agent upon this subject, and they agreed with me that it would be best to take a course different from the one pointed out, and I did then advise Mr. Douglass to suggest to the consideration of the department what I am now doing, before he progressed in the business.

In the first place, let the person who is to value the cattle be instructed not to have any thing to do with the cattle of those who remain, but confine himself to the reception of such cattle as may be offered by those who will certainly emigrate this fall, letting those who remain for another season know, that during the next spring and summer they will receive the full benefit of that part of the treaty having reference to the cattle.

Those persons above alluded to, who wish the Government to take their stock, must drive them to the nearest rendezvous of Mr. Gaines, from which place they are to take up the line of march to the west. At the different rendezvous the valuing officer will receive the cattle from the Indians; at which time and place, previous notice in some public print being given, the cattle may be sold provided any thing like a fair price can be had; should the sale fail, would it not be well for the Government to have those fit for beef turned over to the proper officer, and issued out to the Indians on their march? In this way the Government would lose but little.

I beg leave to suggest the propriety of giving great latitude to the person who is to value them, as to what is best to be done, depending much upon his discretion as to the best mode of disposing of the cattle; he will have a better opportunity of judging, taking advantage of all the circumstances as they occur at the time.

The party emigrating this fall, will be the poorest Indians in the nation; therefore it is that I think but few cattle will be offered to the Government by them.

I have the honor to remain,

Your obedient servant,

F. W. ARMSTONG.

Hon. LEWIS CASS,

Secretary of War.

P. S. It will be seen by the department, that to pursue the order given Mr. Douglass, great frauds may be practised on the United States by persons purchasing the cattle after the valuation, then turning them over to different persons belonging to the nation, and tendering them to the officer at a different place the second or third time. Therefore, it will be best to bring

them to the different rendezvous as suggested, when they can either be sold or disposed of in the ration, as the Government may think proper.

KANSAS RIVER, *September 22, 1831.*

FATHER CASS: I inform you that nearly all our nation are on the land that Government has laid off for us; and I hope if the Government fulfil all its promises, that before many years the balance of my nation, who are now scattered, some on Red River and some in the Spanish country, will all come here on this land. We are well pleased with our present situation. The land is good, and also the wood and water, but the game is very scarce.

Father: we hope that all we had a right to expect in the treaty made with Captain Vashon, will be accomplished. We had good reason to believe, as we had asked, that, if not the whole, at least the greatest part of our debt would be paid by Government for the last time, and that a pension of two hundred dollars per annum would be allowed to Captain Patterson, and one hundred dollars to each of my four sons, Captains Shounack, Pushies, Secondyan, and Sacacocksy. Those four latter, I am informed by our friend Menard, are mentioned in the treaty, but nothing is said of the other; and the money has never been sent, even for the four last mentioned, but our friend Menard has promised to advance the money to two of them, before he leaves this place; the two others are absent.

Father: I told the surveyor who came to lay off our land, that I wished Congress to put a strong word in our hand, so that we could live here for ever in peace, and never be removed. My young men are very much indebted; I would be glad if you could help us. There is no game on the land that we are on; for this reason my children are going a great distance to hunt; if their debts were paid as we had thought, they would remain at home and work the land.

Father: I shake hands with you for all my nation, and pray the Great Spirit to preserve you where you are, for the good of the red skins.

WILLIAM ANDERSON, his x mark.

NASHVILLE, TENNESSEE, *September 22, 1831.*

SIR: I have the honor to acknowledge the receipt of your letter, communicating my appointment, dated 1st instant, on yesterday. I accept it with pleasure, and shall forthwith proceed to the agency on Highwassee, and assume the duties assigned me in your instructions on the subject of Indian removals.

The copies of letters referred to, connected with the matters involved, have all reached me, and shall meet my prompt attention, and your wishes shall be met, and as far as possible promoted by my unremitted exertions. I will do myself the honor of reporting to you my arrival at the agency so soon as I reach that point.

I have the honor to be,

Your most obedient servant,

BENJ. F. CURREY.

Hon. LEWIS CASS, *Secretary of War.*

FLORENCE, *September 23, 1831.*

DEAR SIR: I have just returned from the Choctaw Agency, where I was attending to some private business. I attended the sale of some of the Indian cattle, where they sold low indeed. I was there apprized of the death of Mr. Douglass, that was appointed to superintend the sale of the cattle, and there learned that the agent, Ward, had recommended a man from Columbus to supply his place; after conversing with General Coffee, my old friend, I have thought I would make the venture to make an application for the appointment that was given to Mr. Douglass, believing that I was competent to fill the appointment. Should you believe me worthy, and confer the appointment on me, there shall be nothing lacking on my part to fill it faithfully. My habits have ever been steady and sober, and attentive to business. Colonel McKee promised to address you a line in my favor.

I am, with esteem,

Your obedient servant,

JOHN W. BYRN.

The PRESIDENT OF U. S.,
Washington City.

FLORENCE, *September 23, 1831.*

DEAR SIR: I have just seen Col. Byrn, who has been on business into the Choctaw nation. He was therepresent at the agency at a sale of Indian cattle which was selling at auction under the provisions of the late treaty, and was selling for almost nothing. He informs me that Mr. Douglass, the agent appointed to attend to that business, had lately died, and that Col. Ward, the agent to the nation, had appointed some man to conduct the sale of cattle, &c.; that the superintending agent and his friends were buying all the cattle for little or nothing. If this be correct, and I have no doubt of it, it is all wrong. The acting agent could, if disposed to do it, get a pretty good price for the cattle, as they are all good beef, and ought to sell for a fair price. As the person whom you first appointed is dead, I suppose you will appoint another in his place; in that event, I would recommend Col. John W. Byrn, to the appointment. He could sell, and let the United States' agent for the nation, receive the payment, and one would be a check on the other, and I think they would do the business well. Col. Byrn has so much address in auction sales, and understands the nature of such business so well, that I believe him eminently qualified for that particular business.

I have the honor to be,

With very great respect, sir,

Your obedient servant,

JOHN COFFEE.

The PRESIDENT OF THE UNITED STATES.

CHEROKEE AGENCY, *September 23, 1831.*

SIR: The last mail brought me your letter of the 31st August ultimo, and, on the 17th instant, I drew a bill on you in favor of the President of

the United States Branch Bank at Nashville, for eleven thousand one hundred and eighty-three dollars and fifty cents, which is believed to be the sums due at this agency, for orders given on me by emigrants for part of the price of their improvements, and a small sum due to wagoners, repairs done on public boats, and vessels furnished the emigrants to hold their provisions.

Enclosed I send you a letter which I received from John Ross, by the last mail. I am in hopes that Mr. Ross has been misinformed; but I have sent the sub-agent to the place to ascertain the facts and circumstances which will be reported to you on his return.

I have sent with him a register to enrol all those in that quarter, who wish to emigrate, and some money to pay, (all those who are willing to receive it,) their share of the annuity.

We have only enrolled one family, but a great number say they intend to go; but they say it is time enough to enrol, when they hear when and how they are to be sent off.

I have also enclosed you a letter which, on yesterday, I received from J. Walker, with a verbal request that I would enclose it to you with such remarks as I thought proper to make. The only remark which occurs to me as proper to make, is, that the description is nearly, or [not] far from correct, the advantages highly colored, and the price extravagant. And here I would take the liberty to suggest whether it would not be best to give those men who have such large improvements, a reservation in fee on their relinquishing to the Government all their right to the balance of their lands, and let them sell to individuals and remove at their own expense.

Very respectfully,

Your obedient servant,

H. MONTGOMERY.

Honorable LEWIS CASS,

Secretary of War, Washington City.

HOPEWELL FARM, C. NATION, *September 17, 1831.*

DEAR SIR: I was anxious to have had some conversation with you when you was out at our court, but I was so engaged during the day that you attended, that I could not make it convenient. There has, you know, been a considerable rumor for a year or two, about my going to the west; in fact, it has been for several years. I had my consent to go last year, but I could not ascertain what I would be able to get for my possessions. You know that they are very valuable, and on one of the best tracts of land in this country, and situated on two of the most public roads in this nation; and, unless I can get a valuable consideration for my possessions, I shall remain, as I can, as I believe, live under the laws of the States, if extended over us, as well as under our own laws. Yet, at the same time, I am willing to remove, if the Government will give me what I think is near right for my labor done. I here enclose you the number of buildings, land in cultivation, &c. I will be bound to have completed my barn and stable. There are several fine mill-seats on the stream running through this tract, and the best or as good a stand as any in this country. I think one of the most desirable places in the Cherokee nation; and if I leave this place, I must have at least \$5,000 in hand paid. The Government must also pay me for what stock I cannot take with me, and to defray the expense of taking my

horse stock, which is about thirty some odd, more or less, that must be paid. It is common for men to make you great promises what their influence is, and what number they will influence to go; but I will make you no such promises, for you well know that the link that hangs to me will go. There is no man to know my propositions to you; there is but one man knows, and, for him, I give you a description of his place. For the balance that will go with us, if we set off, will go if the price be but small. It is unnecessary for me to say any thing more to you on the subject, as you are well acquainted with Mr. Mayfield and myself; and also our places, particularly mine. I should like to hear from you, when convenient.

With respect of sincere regard,

I remain your true friend,

JOHN WALKER, Jr.

Col. HUGH MONTGOMERY,

United States' Agent.

Dwelling-house, length 50 feet, by 18 width; good hewed post-oak logs, with an entry of 9 feet; weather-boarded and sealed, and a good shingle roof, with an addition of frame, 12 by 50 feet; 6 rooms in the house; 3 good brick chimneys, well under-pinned with rock, and good rock steps. Kitchen, 16 by 20; log smoke-house, 15 by 20, also log; 1 negro house, 16 by 18, log; 1 corn-crib, 9 by 30, log; 5 log stables, new; 5, do., in tolerable repair only; 1 stable, log, 27 by 50; good stalls, shingle-roof, not yet completed, but soon shall be; 1 barn, 22 feet square in the clear, good hewed logs, shingle-roof, and shedded all round, 12 feet, soon will be completed. These stables and barn enclosed in separate lots, and a good lot around a most charming spring; 120 acres of good fresh ground, laid off into 5 different fields; 150 nice young peach trees, and a few young apple trees coming on; and, at my upper place, there is 12 acres, good fresh ground; one dwelling-house, 18 by 20; 1 kitchen, 15 by 18; 1 shop, corn-crib, and a small school-house, and a spring-house; as to the fencing, both places are under a good fence, mostly all new. For which places I must have \$5,000. I have also, in New Echota, 7 or 8 town lots of one acre each.

125 acres of land; dwelling, hewed logs and shingle roof, 20 by 25, 1½ story; 18 by 20, kitchen; 16 by 18, smoke-house; 16 by 16, negro house; 14 by 24 corn-crib; 15 by 15, do; 20 by 20, stable; 14 by 14 do; barn and two sheds, 20 square each; 1,000 peach trees. For which he says he must have \$2,500.

J. MAYFIELDS.

ALLEGHANY ARSENAL, *September 23, 1831.*

SIR: I could not delay the shipment of the articles for Fort Smith, merely to receive eleven axes from Mr. Harris, without risking the loss of navigation for a month or two.

I advise, therefore, that Mr. Harris's contract be closed with the number of axes already delivered, (489,) and that funds, for the payment of his bill, be remitted.

I am, very respectfully,

Your obedient servant,

R. L. BAKER,

Maj. U. S. A.

S. S. HAMILTON, Esq., *War Department, &c.*

KNOXVILLE, *September 23, 1831.*

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, appointing me agent for the Choctaws west of the Mississippi, which appointment I accept; and herewith enclose the bond fully executed according to instructions, except the taking of the oath, which will be done on getting to Washington, where I hope to be on the 18th of next month.

I have the honor, &c.,

F. W. ARMSTRONG.

Hon. LEWIS CASS, *Secretary of War.*

KNOXVILLE, TENNESSEE, *September 23, 1831.*

SIR: I have the honor to acknowledge the receipt of your communication, covering my appointment as special agent for the Choctaws, west of the Mississippi, until the agent provided for in the treaty shall be appointed, together with a blank bond, to be executed. I presume that when the wishes of the chiefs are known on the subject, as to whom they wished to be their agent, that the appointment will be actually given.

By the last mail, I wrote the honorable Secretary of War on the subject of the agency west of the Mississippi.

From the instructions given to me to be carried into effect at Fort Smith, it would seem that the articles intended for the Choctaws, as provided for in the treaty, would most likely be first sent to that place. Should this be intended, great difficulty and inconvenience will follow the proper distribution of them, owing to the fact that at least five-sixths of the Indians will certainly settle on Red river; therefore, but one-sixth of the articles as well as provisions for the next year, ought to be sent up the Arkansas, the other five-sixths should be shipped to Fort Towson.

The Indians that intend settling on Arkansas, are alone the followers of Mushulatubbe—say three thousand. The other half of his district will follow David Folsom to Red river. The Arkansas party, who will go west this fall, will not exceed half of Mushulatubbe's followers, perhaps fifteen hundred or two thousand at furthest.

I have, &c.,

F. W. ARMSTRONG.

SAMUEL S. HAMILTON, Esq.

FACTORY, CHOCTAW NATION, *Sep. 24, 1831.*

SIR: For several years past the north and southeastern districts of this nation have engaged us and our predecessors (Messrs. Glover and Gaines) to purchase their annuity goods, which have been delivered to them at something like cost; we being satisfied with something like the interest for our money paid for our goods, and the advantage on our retail sales by the district collecting at our store to receive their annuities.

The freights and charges for the delivery of the goods have always been paid by the Government, until the present year, (as the Indians believed,) according to their treaties. This year, the United States' agent, Colonel Ward, declined paying the freights as usual, saying, it was by order of the Government, which was not bound by treaties for the payment. Our object

in writing you on this subject is to request the favor of you to lay before the honorable Secretary of War the enclosed accounts for transportation charges on the annuity goods, lately delivered to the above mentioned districts, and to urge their payment; upon which you are hereby authorized to receipt the same.

Inasmuch as the goods were ordered by the Indians, and purchased by us, without any intimation that the transportation charges would not be paid as usual, we flatter ourselves that the account will be paid by the Government, should it even be the case that it is not bound by treaties to do so, since the Indians believe it to be so bound; and it will be more agreeable to the Indians and easy to the Government to lop off any indulgencies, heretofore enjoyed by them, after the removal, which may not be warranted by the letter of their treaties.

But the Government is bound, by one or more of its early treaties, to make payment in goods free of cost to this nation; and should it be determined to take advantage of the omission of the promise to deliver the annuity goods free of cost in the latter treaties, you will be pleased to examine all the treaties on this subject, and insist upon the payment of such portion of the enclosed as you may find Government bound for.

Very respectfully,

Your obedient servant,

GEO. S. GAINES & Co.

Major FRANCIS W. ARMSTRONG.

Account enclosed.

Southeastern division,	-	-	-	-	-	\$ 97 52½
Northeastern division,	-	-	-	-	-	81 87
						<u>\$ 179 39½</u>

PHILADELPHIA, September 26, 1831.

DEAR SIR: Being absent from home, I could not answer your polite letter until now; your letter of the 13th instant is received, wherein I learned that my remittance would be forwarded unto me as soon as my account could be passed the usual forms. I am sorry to give you any trouble on account of my bills, if it were not that I am in want of funds, on account of stock which I have on hand; that I prepared for making 1,000 rifles, according to Mr. Eaton's promise when I was last with you, which I mentioned to you, if you remember, in your office, to prepare for making 1,000 rifles for the Choctaws; I hope to see you myself this fall, when I shall tell you the particulars. Respecting the rifles, I can only say at present I have about 100 more finished, and the remainder will be finished in about four to six weeks, unless the 100 rifles for the Seneca Indians are entrusted for me to finish, which I have no order for, except what the inspector showed me—100 extra rifles for the Senecas, exclusive of the 550 rifles ordered. I informed him that I knew nothing about the extra 100 which were in his letter.

If I am to make them, please let me know, and I shall immediately go on with them.

I should be pleased to finish any order that you might send to me, public or private, and try to do justice to you and your friends.

Respectfully, I remain,

Your obedient servant,

HENRY DERENGER.

SAMUEL S. HAMILTON, Esq., *Washington.*

N. B. Please to have the goodness to see what the reason is my returns are not as yet remitted to me.

Yours,

H. D.

TIFFIN, OHIO, *September 26, 1831.*

SIR: In a letter from Col. S. S. Hamilton, of the 5th instant, I am directed to ascertain "what sum will be considered sufficient" to defray the expenses of the Wyandot delegation, which you have permitted to explore the country designed for them west of the Mississippi.

Mr. Wm. Walker, who will hand you this letter, will inform you of the proceedings of a council held with the Wyandot chiefs, during two days of the last week, at which he was present, and acted as interpreter. Mr. Walker has been selected to conduct the exploring party, which will consist of five in number, including himself. The sum of one thousand dollars has been agreed upon, which is to cover all expenses whatever, embracing the services of Mr. W., who will act in the triple capacity of conductor, interpreter, and delegate. I have thus reported to Col. Hamilton; but, as it is highly important that the delegation should depart *as soon as possible*, and as some twenty or twenty-five days may elapse before an answer can be received from the office of Indian affairs, I submit to you the propriety of authorizing me, *per return of Mr. Walker*, to make a draft on the department for the sum required, if you shall deem the same reasonable, so that the delegation may set out early in next week. The chiefs have agreed to have their messengers prepared to start whenever the funds are procured.

Considering the length and fatigue of the journey, the privations, exposure, and liabilities to accidents and sickness, together with the justice of allowing Mr. Walker some extra compensation for his triple services, and the neglect of his mercantile business, I am inclined to believe that you will think the sum mentioned to be no more than reasonable.

The treaty, if it can be effected, will be highly important to the State and the United States, and the sum of seventy cents per acre, which the Government will receive from the sales of the lands, (162,000 acres,) will amount to \$113,400, which will, after defraying all contingencies, leave a large balance in favor of the United States.

After the departure of the delegation, the chiefs agree that they will meet me, from time to time, in private council, to adjust the details of the treaty, leaving the ultimate conclusion to depend upon the nature of the *report* made by their messengers.

Please to let me know whether this course meets with your approbation, and whether I shall so employ my time until the return of the delegation,

or whether I shall *previously* go to Washington to present my vouchers, and close my mission.

With sentiments of great respect, I have the honor to be,

Your most obedient servant,

J. B. GARDINER.

Hon. LEWIS CASS,

Secretary of War, (now at Detroit.)

WESTERN CHEROKEE NATION,

Agent's Office, September 26, 1831.

SIR: I have the honor to acknowledge to have received, on my return from New Orleans, the instructions of the 1st June, and to report that I am actively engaged in the settlement of all such claims, under the treaty of 1828, pursuant to said instructions, as can be satisfactorily settled by payment in drafts, payable to order, upon the department; and to tender the most earnest assurance that the strictest attention shall be promptly and zealously devoted to effect an efficient discharge of the important duties assigned to me in said instructions.

The list of claims reported on the 22d March, marked 4, 5, with others reported on the 30th April, and the list of emigrant claims for provisions reported 24th June, together with the additional list, herewith enclosed, of emigrant claims for a balance of the year's supply of provisions, which they say has not been received, and which is believed to be entitled to favorable consideration, contains, under the head of remarks, all the evidence presented in support of said claims; and therefore I consider it my duty to request the department to inform me if such evidence, under existing circumstances, will be deemed sufficient by the department.

It is my duty, too, to apprise the department that these claims are still held by the claimants, exhibited per said list, and that it will suit but few of them to receive drafts in payment, and that a number of the Arkansas Cherokees and emigrants still hold their improvement certificates, and are anxiously waiting for payment in money, and complain most feelingly of the loss sustained when compelled by necessity to trade off their claims, continuing to inquire of me, incessantly and solicitously, how much longer they will have to wait for the money. The amount of such certificates shall be reported as soon as the claims held by three other persons are presented for settlement, which will probably be effected in a few days.

Permit me to recommend to the consideration of the department, the expediency of furnishing treasury drafts on bank at Orleans, as the best mode of commanding the funds for this agency, and the importance of transmitting them at suitable periods, to enable the agent to avail himself of the facility of steamboat transportation.

Most respectfully submitted by,

Your most obedient servant,

GEO. VASHON, *Indian Agent.*

The Honorable SECRETARY OF WAR.

TIFFIN, OHIO, *September 26, 1831.*

SIR: After the conclusion of the treaty with the Ottaways, at Miami bay, and previously to my departure from that place, Benjamin F. Stickney,

esq., inquired of me whether the Government desired the extinguishment of the Indian title to the lands held by the Ottaways at the mouth of the Maumee, in Michigan. I gave him my opinion in the affirmative, but said that I had no official instructions on the subject. Mr. Stickney then volunteered his services to prepare the minds of these Indians for embracing the overtures of the Government, as made to the tribes in Ohio, which I had not power to accept, in my capacity of agent and commissioner. As a matter of courtesy due to his age and experience, I advised him to communicate with you on the subject, and that I presumed you would be thankful for the exercise of his influence in effecting the object he had in view.

Mr. Stickney came here yesterday for the purpose of consulting with me on the subject of sending a deputation of the Ottaways of Michigan to the Mississippi, for the purpose of exploration, with a view to removal. I again informed him that my powers did not extend to Michigan, and requested him to communicate directly with you, as you were now probably at Detroit. This he has done in a letter which accompanies this.

How far such an expedition would be proper at this time, and whether Mr. Stickney would be a suitable person to conduct the same, it is entirely unnecessary for me to express an opinion. Your personal knowledge of the Indians, and the situation of their lands, and your long acquaintance with Mr. Stickney as an officer of the Indian department, enable you to form your decision on the proposition at once, without any other information. Should you conceive it necessary and proper to adopt any measures in relation to it, any orders you may think proper to give me on the subject shall be promptly obeyed.

With great respect,

I have the honor to be,

Your most obedient servant,

JAMES B. GARDINER,

Special Agent, &c.

To the Honorable LEWIS CASS,

Secretary of War.

ALLEGHANY ARSENAL, PA, *September 27, 1831.*

SIR: I have the honor to enclose an account current, accompanied by vouchers, for disbursements made under the appropriation for carrying into effect a treaty with the Choctaw Indians, &c., &c.

And am, &c.,

R. L. BAKER,

Major U. S. Army.

To the SECRETARY OF WAR,

Washington City.

COMMISSARY GENERAL'S OFFICE,

Philadelphia, September 28, 1831.

SIR: The military store-keeper on this station having had directions from Samuel S. Hamilton, esq., to provide freight for, and insurance on three hundred and ten rifles, shipped to the care of Captain Burch, assistant

quartermaster at New Orleans, has disbursed \$82 24, for which a bill receipted is enclosed, and has drawn on you at sight for that sum, in favor of C. Irvine, Commissary General, which draft I have, in his absence, endorsed for him, and enclosed. I will thank you to remit said sum of \$82 24 to this office.

I have the honor to be, sir,

With great respect,

Your obedient servant,

TIMOTHY BANGOR, *for*
C. IRVINE,

Commissary General of Subsistence.

Hon. LOUIS McLANE,

Acting Secretary of War.

WESTERN CHEROKEE NATION,

Agent's Office, September 28, 1831.

SIR: I have the honor to acknowledge the receipt of the instructions of the 16th July, and, in obedience thereto, have to report, for the consideration of the department, the reasons which induced me to dispense with the services of Capt. James Rogers, as interpreter. By the instructions of the 15th September, 1830, it was made my duty to guard the rights of the original claimants, against loss in the settlement of their claims under the treaty of 1828; and, in the general speculations in improvement certificates, and the certificates issued by the chiefs, in the division of the \$50,000 under the late treaty, some one or more shares of a certificate were purchased by one person, and the rest of the shares in said certificate purchased by one or two others; and, in some instances, the purchaser of a single share held the certificate while the other original claimants had not parted with their interest to any person; and the transfer of certificates by the Cherokee traders to the merchants who furnished the goods, created a perplexity in the investigation required, preparatory to the settlement of said claims, which was much increased by the circumstance of a brother-in-law to James Rogers, viz., John Drew, a keen Cherokee trader, having transferred to Messrs. Duval and Carnes, between six and seven thousand dollars of said certificates, without exhibiting any transfer from the original claimants, and who refused to furnish me with a list of the certificates held by him to an amount of several thousand more, which he obtained from the principal chief, Major John Jolly, and which some of the original claimants requested me not to settle with him for, as he had never been authorized to take them, as they had not received any thing in payment, nor being in his debt; and that they wanted payment in money, and not to be forced to take payment in goods at an enormous price; which, together with the manner of obtaining a transfer of certificates, in some instances, as stated by the original claimants, and from an unwillingness which I believe Captain James Rogers felt to communicate to me all the information that was requisite for the agent to obtain, to enable me to act understandingly upon the subject and in compliance with the instructions received, induce me to consider it my duty to dispense with his services, and to select a person as interpreter, who was entirely exempt from any motive which might have induced the issuing of said certificates, and from any co-operating zeal in promoting

speculating views, and from the influence of party feeling and family interest.

On the receipt of the instructions of the 16th July, I deemed it my duty, under all the circumstances, connected with the reasons which induce me to dispense with the services of Captain James Rogers, as interpreter, to make the enclosed communication to the chiefs, committee, and council of the nation, and as soon as their answer is received, which is expected in twenty or thirty days, it shall be transmitted for the notice of the department. I have, therefore, to ask permission to wait for the further instructions of the department upon the subject. I have no charges to exhibit against Captain James Rogers; and, if my application for permission to employ two interpreters had not been refused, by the instructions on the subject, of the 8th November last, he would have been continued in service; but the investigation which my instructions required me to make, seemed to dictate, under the circumstances exhibited, the propriety of selecting another.

And, if the re-appointment of Captain James Rogers shall continue to appear expedient, I deem it my duty to renew my application for permission to employ another interpreter also, with a view to the promotion of the interest of the service and the harmony of the Cherokees.

Most respectfully submitted,

By your most obedient servant,

GEO. VASHON,

Indian Agent.

The Hon. SECRETARY OF WAR.

WESTERN CHEROKEE NATION,

Agent's Office, September, 1831.

FRIENDS AND BROTHERS: I deem it my duty to present to your notice the following communication. By a letter which I have lately received from the Department of War, in answer to the letter from the chiefs, of the 2d June last, complaining of troubles and grievances which rest upon and make them unhappy, your agent is now induced to think that, perhaps, some of his acts, in the discharge of his various duties, may have induced the chiefs to have written the said letter; and as I am not informed of the causes of the particular troubles and grievances complained of in the aforesaid letter, I consider it my duty now, most respectfully, to request you to make them all known to me, that I may have the pleasure of uniting with you, and exerting my best efforts to endeavor to assist you in promoting the prosperity and happiness of your people.

There is no act of mine, that I know of, which can have produced cause of dissatisfaction to any part of the nation, except the appointment of a new interpreter. My instructions required that I should make such minute and particular investigation, in the settlement of the head-right certificates, as would guard the original claimants from any loss; and the former interpreter appeared to me to be unwilling to communicate the information which it was necessary the agent should possess, to enable me to comply with the requisites of said instructions; I, therefore, applied to the Department of War for permission to employ two interpreters, with a view to avoid doing any thing which might have a tendency to produce dissatisfaction among

any portion of the nation. But there was no provision, by law, to pay more than one interpreter; and, therefore, the department informed me that I could only be authorized to employ but one interpreter; which laid me under the necessity of dispensing with the services of the former interpreter, and appointing Mr. Bird Doublehead, after Mr. John Brown declined accepting the appointment. This duty I was constrained to perform, from the circumstances connected with the purchase of said claims, and from the nature of the instructions of the department for the settlement of them. I had heretofore been under the impression that the nation was satisfied with my conduct, in the manner I have performed my duty in relation to this particular subject, as I first applied to the principal chief, Major Jolly, and to the associate chiefs, Black Fox and Colonel W. Webber, to learn from them whether they approved of my appointing some other person to perform the duties of interpreter, and neither of them objected to my doing so. It is your agent alone who is accountable for changing the interpreter, and the change was made with no other view than to promote the true interest of your people, and to perform an efficient discharge of the duties required by the instructions under which I had to act. It appears, however, from a letter which I have lately received from the Department of War, that an application has been made to the President, by the chiefs, to re-appoint the former interpreter; and I am now instructed to re-appoint him, unless there are sufficient reasons to render it improper to comply with their request. I am also required, by the same letter, to report to the department for its information, the reasons on which I acted in declining to continue to employ him as the interpreter. I have, therefore, deemed it my duty to present the subject to your consideration, that you may know what I am required to do, and to afford you an opportunity of expressing your wishes upon the subject. With most respectful consideration,

Your friend and brother,

GEO. VASHON,

United States' Agent.

To the CHIEFS, COMMITTEE, AND COUNCIL.

WESTERN CHEROKEE NATION,

Agent's Office, September 29, 1831.

SIR: I have the honor to acknowledge the receipt of the instructions of the 11th and 13th August, on the subject of granting licenses, and in reply to the letter of the Cherokee chiefs, of the 2d June last; and to report that I promptly complied therewith, by writing to Messrs. Duval and Carnes, informing them that the decision of the department, upon the questions presented, made it my duty to apprise them that a license, if they wished to have one, would be granted on application. And by written communication to the chiefs, informed them of all the kind and friendly feelings expressed, together with the assurance that the assistance which they had asked, relative to blacksmiths, wheelwrights, and cards, will be granted; and that an allowance therefor will be remitted in a few months.

I have the honor to be,

Most respectfully,

Your most obedient servant,

GEO. VASHON,

Indian Agent.

The Hon. LEWIS CASS, *Secretary of War.*

AGENCY-HOUSE, CHEROKEE NATION, *September 30, 1831.*

SIR: Having just reached here, I find the mail about closing, and only have time now to announce my arrival at this point. I, however, hope it will be in my power, in a short time, after consulting with the agent and other intelligent men, to furnish to the department views of a more satisfactory character on the subject of the general plan of operations in moving the Indians—how many are willing to emigrate, &c., &c., than time, or my limited information, will admit of at present.

I have the honor to be,

Very respectfully,

Your most obedient servant,

BEN. F. CURREY,

Sup't Choctaw Indian removals.

TO ELBERT HERRING, Esq.,

Bureau of Indian Affairs.

CHEROKEE AGENCY, *September 30, 1831.*

SIR: By the last mail I received your two letters, one of the 3d the other of the 5th instant, and have stopped enrolling until the arrival of Mr. Currey. I have only enrolled, at this place, 3 families; 19 persons in all. I have promised them pay for their improvements before they go.

In my last I informed you I had sent the sub-agent over to the Georgia side of the nation, for the triple purpose of ascertaining the certainty of the report about the murder of two Indians at the gold mines, and to enrol emigrants, and pay annuities. The story about the murder is ascertained to be false: what he has done in the emigration business I have not heard. But if Mr. Currey does not arrive before the next mail goes out, and prefers his continuing, I will write to him to return. The only difficulty which presents itself about his continuing there for some time, is, that I had instructed him to assure the emigrants that they should be paid for their improvements before they go. And this will, no doubt, be insisted on by all who do go.

There need be but little fear about their spending the money, as all the valuable improvements belong to white men who have Indian families, or intelligent half-breeds, who are sharpers, and who know well the worth of money. As to the spendthrift Indians, they have but little to value, and of course will have but little to spend; but even that little they owe, and more, and chiefly to the native merchants, who are opposed to the emigration, and will not let them go until they are paid. Indeed all those with whom I have conversed, and who say they intend to go, say, pay me down for my improvements and I will go. As to funds, it appears to me that it would be best for the service to authorize me, generally, to draw on you for the amount of the requisitions, as they are made by the superintendent, and to notify the President of the United States Branch Bank at Nashville, of such authority, so that he may honor my drafts.

As to the location of the agency, the difficulties which made the removal of it necessary, are, in a great measure, obviated by the appointment of a person to superintend the emigration. But placed as we are, in the northwest corner of the nation, at least one hundred miles from the body of the Indians who are willing to go, and where they never come, nor can we

have any intercourse with them unless we go there, it is impossible that we can render them that assistance which we could, and would do, if we were situated amongst them, or near them.

I will now make one suggestion, which I once before made to your predecessor; it is this, whether it would not be best, both for the Government and the emigrants, to send those who go from the south side of the nation in wagons to Tuscumbia, and from there by steam. It would save the expense of bringing them from one hundred to one hundred and fifty miles, over a bad road, to this place, and the price of flat-bottomed boats, the cost of piloting them through the muscle shoals, and a long and tedious journey in them to the mouth of White river; (from whence they will have to be taken by steam;) besides, by being so long confined in damp boats, in damp air, and on bad water, they frequently contract diseases of which many of them die.

I shall have no abstract of disbursements to make for this quarter, as I have had no funds to disburse except the annuity, and of which I have only paid about \$200, which alone is not thought worth making out an abstract of, until we see that we cannot pay out all, or at least some considerable part of it.

The Indians appear to be getting over the fear of the lash, which has hitherto prevented them from receiving it, and I have paid out more the last week, than in five or six weeks before.

Very respectfully,

Your obedient servant,

H. MONTGOMERY.

Honorable LEWIS CASS,

Secretary of War, Washington City.

AGENCY-HOUSE, CHEROKEE NATION, Oct. 1, 1831.

SIR: On yesterday, I had the honor to report myself at this point, and expressed a wish to have it in my power to furnish all the information desired by the department on the subject of the removal of such of the Cherokee Indians as reside within the limits of Georgia, and are disposed to emigrate to the territory assigned them west of the Mississippi.

On consulting the agent and other intelligent men, some of whom are whites, and others of mixed blood, belonging to the tribe, I believe myself possessed of as much information now, as it will be in my power to obtain, without first visiting the villages and settlements within the State of Georgia, where my operations are directed, and for which section of the country I shall set out on to-morrow or next day.

I find at the agency-house, thirteen hundred and thirteen good rifles; eleven hundred and fifty blankets; two hundred and fifty-six brass, and six hundred and sixty-three double tin kettles, with lids—making in all, nine hundred and nineteen kettles. Tobacco, the agent has none, but this article can be had in great abundance near this place at $12\frac{1}{2}$ cents per pound. I would therefore suppose, at present, there is no necessity for the Government's furnishing an additional supply of rifles, blankets, or kettles, until further advised on the subject, which will be done immediately after I visit the Indian settlements and villages within the limits of the State of Georgia, should an additional supply of these articles appear to be necessary.

I can hear of only about seventy or eighty families that are willing to enrol; but this point has not the advantage of direct and constant communication with that part of the nation where the enrolments are directed to be carried on; yet, upon repairing thither, many may be found willing, and even anxious to go, at present not known to possess that disposition.

Before the agent received notice of my appointment, he had enrolled three families; he is desirous that they may, on this account, be allowed to emigrate on the terms and conditions held out to such as reside within the bounds of Georgia, although they live in that part of the nation included in the limits of Tennessee; this, however, the agent does not expect, without first receiving the sanction of the department. The mode of transportation, at the Government charge, would be by wagon to the nearest navigable point; and from thence by boats to the mouth of White river; and from thence on the steamboats up the Arkansas river to their destination; say from this point, for such as reside within the southeastern division, to be sent in flat bottom boats to the mouth of the White river; and such as reside in the southwestern section to embark on board of steamboats at Tuscumbia, Alabama, to be conveyed directly to a proper navigable point on the Arkansas.

Some of the emigrating party, but the number cannot be ascertained yet awhile, would, no doubt, choose to furnish their own wagons and subsistence, and proceed by land, expecting from the Government an allowance equal to the expense of transporting the same number by water.

The reason why flat bottom boats are recommended for that portion embarking at this point, is, that they can be so constructed as to pass with safety down the Highwassee river, and glide over the muscle shoals of Tennessee, by the aid of a pilot, without danger; and being that far on their way, could probably proceed to the mouth of White river, with less expense to Government, than to throw away their boats after passing the shoals (which would be so much a clear loss) and there taking steam. And the reason why I would recommend steamboats for such as assemble at Tuscumbia, is, that they can pass at almost any time, during the winter and spring, down Tennessee river, and ascend the Arkansas as far up as the Indian territory in ten or twelve days. Although this mode of transportation might increase the expense of boating a little, still there would be a great saving of time, as well as of provision, which would ultimately be cheaper than to purchase flat bottom boats there, and have to abandon them at the mouth of the White river.

Should this plan, upon further deliberation, be considered cheapest and most conducive to the ease and comfort of the emigrating party, there will be three points at which supplies will be necessary, viz.: at the agency, at Tuscumbia, and the mouth of the White river.

The quantity of supplies, and the time at which needed, will depend much upon the number of emigrants and their readiness to remove. Provisions, I am satisfied, can be had at this point and from East Tennessee at a very reasonable rate, to supply all the depots. The Indians have heretofore mostly disposed of their stock to white people, settling on their abandoned improvements; but within the limits of Georgia, it is doubtful whether such purchasers can be found. It is, therefore, probable they will expect a valuable consideration for it from Government. Where it is of such a character as to answer for rations, it might be taken on valuation and issued for subsistence. But I am apprehensive this would be attended with much trouble and expense, and even lead to gross impositions; of this I cannot pretend to form an adequate idea at present, but I will report more fully hereafter.

In the course of your remarks, affixed to my appointment, I discover the President is strongly inclined to postpone the payment for property abandoned by the Indians, until they arrive at their new residence. From information communicated to me at this place, most of those inclined to go to the west are indebted to the rich and powerful chiefs, many of whom are opposed to the emigration policy, and would throw any obstacle in the way, short of open hostilities, to thwart the views of the Government on the subject; whilst those disposed to go, but not having the means to satisfy the demands of their creditors, intimidated by the terrors of the law, would, in most cases, perhaps, abandon all idea of emigration, and become vassals again to the more powerful chiefs, who, it is said, have spared no pains to destroy all confidence with them in the pledges made by Government. And, furthermore, from what knowledge I have been able to derive of the Indian character, it seems to be a principle of his nature to prefer one dollar in hand to ten upon trust. I would, therefore, suppose, to pay them here, should they desire it, would be a most powerful stimulus to emigration.

At your suggestion, I shall not call for the services of the appraisers until a sufficiency of business is made to authorize the call.

Previous to the suspension of emigration in 1830, I am advised by the agent, eighteen flat bottom boats were finished, two of which have gone almost entirely to wreck. The others could, at an expense of from \$7 to \$10 each, be refitted for the service, which repairs shall be made, as the boats have been paid for at an average cost of \$55 or \$60 long since, and will carry from twenty or thirty Indians each, with rations, as far as the mouth of White river.

There should be an individual appointed, in my opinion, to superintend this branch of business exclusively, say, to provide boats at the lowest possible price, whether *flat bottom* or *steam*, at the different points suggested heretofore, his appointment, though, would necessarily be of a temporary character, and might, under the powers delegated, when occasion requires, be made by myself; or would this devolve on the commissary? I have engaged the services of John Miller, the United States' interpreter, until I can get some faithful and influential interpreter, living within the limits of Georgia, from whence it is my determination to take all the interpreters required, provided suitable men can be found willing to enrol. During the short time that I expect to retain Mr. Miller, I have agreed to allow him fifty cents a day for his horse, he finding himself at the salary allowed him by the agent; and the agent has been authorized by me to make a temporary appointment, until Miller returns to his post, to aid him in paying the annuities which are now due. The national council is, by appointment, to assemble at New Town, within the limits of Georgia, on the 10th instant, for the purposes of legislation, where it is believed they will be met by the Georgia guards. Whether the chiefs will attempt to proceed, in defiance of the Georgia authorities, I am not as yet well informed. Lewis Ross said to me yesterday, most of the leading men would be present at this meeting. I would judge from the number of runners passing from one point to another, through the nation, that the chiefs are to assemble sooner than the day appointed, in order, perhaps, to avoid interruption from the Georgia authorities. And it has been intimated to me, by some of the half-breeds, that they have no other object in view than to appoint a delegation to go to Washington city. The distance of the theatre of my enrolling operations from this point, will put it out of my power to keep up a constant intercourse with

the agent, who is at present engaged in paying annuities to such as make application. Many of the poor and ignorant Indians are very backward in receiving this stipend; because they have been told if they receive it, they will have to go to Arkansas. By some of their *spiritual* and *temporal* counselors they have been educated to view with distrust every proposition coming from the Government, and every bounty as a lure to ensnare them. One of the chiefs a few days ago, in speaking of the superintendent's expected arrival, said to some of his red brethren, "I reckon now General Jackson will send one of his biggest liars." This chief resides within the limits of Tennessee, and I repeat his language to show what pains are taken to forestall the force of reason, and imbibe a general prejudice amongst the inferior and dependent natives (who seem to have the most implicit confidence in whatever is told them by their chiefs) to prevent them from listening to the offers of Government. I hope, however, within the limits of Georgia to find a more favorable spirit of emigration, induced by the conflicting pretensions to sovereignty, and a consciousness on the part of the natives, that the claims of Georgia must sooner or later prevail. My opinion is asked as to the number that should set out together, having a regard to economy on the one hand, their comfort on the other. I would suppose from fifteen to twenty boats, where they go in flat bottom, carrying at an average of twenty-five Indians, with a supply of provisions, which would be from 375 to 500. I believe this is as many as should go together in flat bottoms, unless there is a greater press to enrol than I at present anticipate; but on this point I will write more fully hereafter. Before my appointment was announced at this place, the agent had despatched Col. James G. Williams to ascertain what disposition existed amongst the Indians to emigrate, with directions to enrol, where, it is hoped, Col. Williams, the sub-agent, is actively employed at present under that order. Dr. David A. Reese has not as yet reported himself to me, nor has the individual to whom the blank commission was forwarded to be filled by the Governor of Georgia; yet I hope to meet with them on the way; should I not, orders will be left at the agency for them to proceed forthwith to some eligible point, at which it will be in my power to give directions and furnish them with interpreters, if necessary. In the prosecution of the duties of my station, should any information come to my knowledge, calculated to benefit the Government, it shall be speedily communicated. In the mean time I hope you will continue to advise me of every measure taken by the department, having relation to this business of emigration.

I have the honor to be,

Very respectfully,

Your most obedient servant,

BENJAMIN F. CURREY,

Supt. C. Indian removals.

Honorable LEWIS CASS,

Secretary of War.

INDIAN AGENCY, *October 3, 1831.*

SIR: The embarrassments and unjust imputations produced by the conveyance of reservations made by Indian treaties for persons connected with these tribes, induces me to suggest, for the consideration of the President

and yourself, the propriety of giving the sale of these reserves to the land department, in the following manner, to wit: when the owner wishes to sell, let him apply for leave through the Indian department: if the President approbates the sale, cause the land to be advertised by the land officers within the district where the land lies, and sold at auction to the highest bidder. This will shield Indian agents against the ungenerous attacks of the envious.

The conveyance of these reserves increases my labor four fold, and lays me liable to insinuations which I am not willing to bear. Your early attention to this matter will be a favor.

Your obedient servant,

JOHN TIPTON,

Indian Agent.

Honorable LEWIS CASS.

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, October 5, 1831.

SIR: I have the honor to acknowledge the receipt of the Hon. Secretary of War's letter of the 9th ultimo, which came to hand on the 2d instant. Also, your letter of the 6th September, informing me of the expected movement of the Senecas to their lands west.

As I am entirely ignorant of the stipulations of the treaty under which you request me to act, I will be thankful if you will forward me a copy of it as soon as practicable; and in the mean time I shall make such arrangements for the accommodation of those Indians in their progress west, as I can, with the least possible expense. Yet I am apprehensive there will be considerable difficulty in procuring provisions, on account of the bad crops this year.

With high respect,

Your most obedient servant,

WM. CLARK.

Col. SAM'L. S. HAMILTON,

Indian Department, Washington City.

P. S. The report called for by the Secretary's letter of the 9th September, will be prepared and forwarded as soon as practicable.

CHICKASAW AGENCY, *October 5, 1831.*

SIR: I am requested by the king and chiefs of this nation, whose names are signed to the petition, to enclose the same to you for your consideration.

I was not apprized of the existence of the obligation which is the subject of the petition, until I had met the nation for the payment of the annuity for this year, and by refusing to pay the claim, or deliver the money over to the chiefs, as heretofore, I had some difficulty in obtaining the willing co-operation of the king and chiefs in the distribution of the annuity, in conformity with the order of the 9th December last; and for the purpose of reconciling them to the order for distributing the annuity as directed, I advised this course, after which they became reconciled, and I was enabled to distribute the annuity in hard money, and to the entire satisfaction of the whole nation.

I am requested by the king and chiefs to say that they are poor, (which I know to be the fact,) and should they have the claim to pay from their own resources, it will leave most of them destitute.

I am, with great respect,

Your obedient servant,

BENJ. REYNOLDS,

Chickasaw Agent.

To the Honorable LEWIS CASS,
Secretary of War.

COUNCIL-HOUSE,

Chickasaw Nation, August 4, 1831.

SIR: We, the king, chiefs, and head-men of the Chickasaw nation, respectfully represent to your honor, that they appropriated their annuities for the years 1829 and 1830, to the payment of debts due by the Chickasaw people to their white brethren and others; that at the close of the payment of 1830, after paying the debts due to their red brethren, a balance of eighteen hundred and eleven dollars and ninety-three cents was due unto James Colbert, for claims and dues which he had against sundry citizens of said nation, for which balance of \$1,811 93, they executed their note unto the said James Colbert, payable at their annuity for the present year, but was disappointed in so doing by the refusal of your agent to appropriate any money in that way, agreeably to instructions received from your honor, to pay out their annuity into distributive shares to the Indians and heads of families.

The said James Colbert, after receiving said note, transferred the same to George Wightman & Co., of Cotton Gin Port, Mo., who demanded payment of said note at maturity, and in consequence of their inability to pay said note, from the cause above-mentioned, made an arrangement with the said George Wightman & Co., and with the said James Colbert, to this effect: that they would pay unto the said George Wightman & Co., when they receive their annuity for 1832, the sum of eleven hundred and ninety-seven dollars and ten cents, (\$1,197 10) being the sum for which the said James Colbert transferred the note as collateral security, and the balance of said note they would arrange mutually among themselves.

Your memorialists would represent that it would be unjust to compel the signers of said note to pay the amount out of their individual property, inasmuch as it is altogether a national concern, due by the whole Chickasaw nation; and some of the signers are poor, and have but little property, and in the event of the holders of the said note suing for the same, it would leave them entirely destitute, and without the means of subsistence.

Your memorialists therefore pray, that, in consideration of the above premises, you will instruct your agent of said nation, to pay out of their annuity for 1832, the aforesaid sum of eleven hundred and ninety-seven dollars and ten cents, unto the said George Wightman & Co., and thereby relieve us from the embarrassment. And your petitioners, as in duty bound, will ever pray.

ISAAC ALBERSON, his x mark.

SAML. SEALY, his x mark.

MINGO KING, his x mark.

PISTAH W. STUBBY.

WILLIAM MCGILVERY, his x mark.

We, the undersigned chiefs, join in the within petition. Aug. 4, 1831.

LEVI COLBERT, his x mark.

SISH-A-MINGO, his x mark.

ISH-TA-A-CHASE, his x mark.

KIN HOI-CHA, his x mark.

IYAH-HON-TUBBE, his x mark.

To the Hon. SECRETARY OF WAR,
Washington, D. C.

MONTICELLO, GEORGIA, *October 6, 1831.*

SIR: Your favor of the 9th ultimo, through the hands of Governor Gilmer, was duly received, and should have been earlier attended to, but for the want of necessary information. I am directed by your department to report myself to B. F. Currey, esq., without being informed where he might be addressed. As soon as I had an opportunity, I wrote to Governor Gilmer for some information of the plans which your department had adopted, to carry into effect the enrolment of the Cherokees, and asking information in regard to the station and residence of Mr. Currey, as the best plan of avoiding delay, hoping that he might be found in the nation. I expected a communication from him by to-day's mail, but received none on the subject. I will probably set out to Milledgeville in a few days, rather than await the arrival of another mail, (our mails to Milledgeville being weekly.) You are sensible that it is important that the disposition of the Cherokees, with regard to enrolling, should, if possible, be ascertained, previous to the action of the Legislature of Georgia on the subject of Indian affairs.

Fearing that I might fail to get the necessary information from the Governor, I have taken the liberty of addressing you. On reflection, I have taken it for granted, that your department will not require, or expect a residence in the nation from my family any great length of time, or the appointment would not have been accepted. An anxiety to promote the views of Georgia, and what I consider to be the best interests of the Cherokees, viz., removal, is the inducement to accept it.

Very respectfully,

Your obedient servant,

Hon. LEWIS CASS, *Secretary of War.*

DAVID A. REESE.

CHICKASAW AGENCY, *October 6, 1831.*

SIR: Enclosed I send you my accounts and vouchers for the quarter ending on the 30th June, 1831. I have paid out the annuity for this year, and will forward the vouchers with my quarterly accounts ending on the 30th of September. I met with some difficulty in obtaining the willing co-operation of the chiefs in the distribution of the annuity in compliance with the directions of the 9th December last: they seem to have a strong inclination to handle it as in former times; but, after some days' delay they found that I would pay as directed or not pay at all, they yielded their consent and assistance, and the payment was made to the great satisfaction of the nation.

I shall leave here to-morrow for the purpose of attending the United States' court, at Huntsville, where I sent a negro man for trial, charged

with the murder of John M. Riddle, a white man, in this part of the nation, on the 16th of August last.

I find that the expense of sending the prisoner to Huntsville, amounting to upwards of \$50, together with the expense of pursuing recently some white men, for stealing negroes and other property belonging to Indians, and running the same out of the nation, that my contingent expenses will greatly exceed the allowance of \$37 50 per quarter.

I am requested respectfully to call your attention to some accounts which I enclosed to you in my communication of the 12th of October last, in favor of Barton, Gadley, Prout, and others, for iron, steel, &c., purchased for the use of the public blacksmith shop, at the agency, together with some other accounts in favor of Major Allen, the sub-agent for contingencies, &c.

With great respect,

Your obedient servant,

BENJ. REYNOLDS.

To SAMUEL S. HAMILTON, Esq.,
Washington City.

HIGHTOWER, CAMP GILMER, CHOCTAW NATION,

October 7, 1831.

SIR: After passing some days amongst the Indians embraced within the limits of Georgia, I am still more strongly impressed with the necessity of paying the emigrants for their improvements, immediately before their departure or embarkation, for the following reasons: 1st. Because Colonel Williams, the sub-agent, had, before my arrival, on the authority of a letter from the War Department, dated August 13th, 1831, pledged himself on behalf of the Government, that this should be done. 2dly. To say now that they should be paid only on their arrival at their new homes, would give those chiefs who are opposed to the emigration an additional ground to charge the General Government with inconsistency, and would lead to a general distrust in all pledges made by the Government agents; although I know the President's inclination to withhold this pay until they land within the territory assigned them west of the Mississippi, is founded in the soundest principles of humanity, still the pay in advance is with many made a *sine qua non*, and with others would induce a belief in the truth of what has been told them by their "spiritual and temporal counsellors," that the pledges of the General Government are lures held out to get them away from the land of their nativity to a country where, on their arrival, they will get no pay for their abandoned improvements, and where they will be subject to the same embarrassments at some future period that they now experience in this. And to sustain those charges, a reference is made to the delay on the part of the General Government in satisfying demands growing out of the former emigration thither.

I fear the spirit of emigration does not exist to that extent within the limits of Georgia that it did some time since; but this spirit has its ebbs and flows, and may in a short time be revived. Only four families have as yet enrolled, but the Indian is slow to make up his mind to act contrary to the advice of his chiefs; still we can hear of many more who are determined to emigrate; after the enrolment of whom we believe others will come in to the measure without persuasion from us. One reason of the present back-

wardness of the Cherokees in enrolling is, they have been induced to expect Georgia will recede, and that Congress will afford them permanent relief at its next session, or that a delegation, which is now generally spoken of, will be able to do something, through the heads of department, to reinstate their former independence in this country.

The road from this point to Wills' creek, in Alabama, will need considerable repairs; the distance is about one hundred and forty miles, towards the foot of the muscle shoals, one of the points selected for embarkation, for the following reasons: it cuts off upwards of three hundred miles of the most hazardous water communication without increasing in a very great degree the land carriage, whilst it obviates the great aversion that most of those with whom I have conversed, have to the long and tedious passage common heretofore in flat bottom boats from the agency to the mouth of White river, where they say diseases have been engendered and sufferings experienced, which would not attend a speedy passage on board of steamboats, which they greatly prefer.

For such as are most convenient, and would prefer embarking at the agency, the Old Federal road, from this point to the Coosawattie river, a distance of about forty miles, which should be repaired; the rest of the roads are in tolerably good order, as far as I have been able to see or hear from.

Neither Dr. Reese, or the person to be designated by the Governor of Georgia, have as yet reported themselves. I have therefore notified the Governor, that, when ready for duty, they will find me at this point, when not out on the business of enrolment.

Judges Martin and Daniels have great influence, I discover, over the vest part of the nation. If their improvements could be purchased, even at an exorbitant price, provided they agree to enrol or remove to Arkansas, it would at once lead to a general enrolment. I make this suggestion that it may be considered of by the department.

I have the honor to be, sir,

Very respectfully,

Your most obedient servant,

BENJ. F. CURREY.

HON. SECRETARY OF WAR.

MEDINA, N. Y. *October 12, 1831.*

SIR: With this, you will receive a census of the Indian population of the State of New York, for the year 1831.

The Indians are well satisfied with the efforts which have been made by Government to ameliorate their condition; and it affords me pleasure to state that a very great improvement has taken place, within a few years past, in their mode of agriculture, and in their moral condition, by a judicious distribution of the implements of husbandry, and by the protection and encouragement given to the sober and industrious Indians. At the same time, however, surrounded as the different reservations in this State are, by a dense white population, it will be impossible ever to effectually change the wandering and dissipated character of the common Indian. This can only be effected by placing him in a situation where the facilities for procuring intoxicating liquors are removed. In fact, the more intelligent among the chiefs, are so well satisfied of this fact, that if the difficulties which have

arisen between them and the Indians at Green Bay, were removed, there is but little doubt that the entire Indian population of New York would remove in a very few years.

I have the honor to be,

Very respectfully, sir,

Your most obedient servant,

JUSTUS INGERSOLL,

Sup't Six Nations, &c.

SAMUEL S. HAMILTON, Esq.

Indian census for the State of New York, October 1, 1831.

1. Buffalo reservation.

Senecas	-	-	-	-	697
Onondagas	-	-	-	-	94
Cayugas	-	-	-	-	94
Tuscaroras	-	-	-	-	4

889

2. Alleghany reservation.

Senecas	-	-	-	-	563
Onondagas	-	-	-	-	74

637

3. Cattaraugus reservation.

Senecas	-	-	-	-	406
Cayugas	-	-	-	-	27
Delawares	-	-	-	-	73

506

4. Tonawanta reservation.

Senecas	-	-	-	-	440
Oneidas	-	-	-	-	7
Cattaraugus	-	-	-	-	119
Cayugas	-	-	-	-	16
Onondagas	-	-	-	-	12

594

5. Tuscarora reservation. - - - - - 278

6. Onondaga reservation - - - - - 310

7. Oneida reservation.

Oneidas and Brothertown - - 1,246

8. St. Regis Indians, in the county of St. Lawrence - 298

4,758

Stockbridge and Oneida Indians, at Green Bay - - 520

Total - - 5,278

CHEROKEE AGENCY, *October 12, 1831.*

SIR: I understand that Bluford West, an emigrant from this nation to the Arkansas, has sent on his certificate to Washington, and drawn the money for his improvements. If this is the fact, I have to request you to give me a statement of the amount which he has drawn on it. My reasons for wishing to know are these. It seems that he gave an order on me to a man by the name of Daniel, for something upwards of three hundred dollars,

but neither he nor Daniel informed me of it, until after I had sent to the agent at Arkansas the copy certificate which the assessors had returned to this office, and with only a credit on it of \$22, on account of an order given to W. W. Cowen, and I had only estimated for that sum to be paid here out of his improvements, and the balance at Arkansas. Since which, Daniel has presented his order, and states that the amount was certainly credited on the copy certificate which West held in his hands; if this is a fact, and West has been paid on that copy, and only the balance due after deducting the amount of Cowen's order and Daniel's, then Daniel will be entitled to receive of me the amount of his. If not, he, Daniel, will have to look to West for his money.

We are getting along slowly in the distribution of the annuity. We only paid five dollars last week, and four this.

Mr. Currey has gone to the Georgia side of the nation, but I have not heard from him. I understood on last week, that the sub-agent was sick at Mr. Scudder's, and had only enrolled four families.

Very respectfully, &c.,

H. MONTGOMERY.

Hon. LEWIS CASS,
Secretary of War.

KNOXVILLE, *October 12, 1831.*

DEAR SIR: I have lately understood the administration has determined to encourage the emigration of the Cherokee Indians to the west side of the Mississippi river, in such numbers as may choose to go. Several persons have applied to me for information as to the manner in which the emigrants are to be supplied with provisions on their journey, whether by contract or otherwise. Having no information, I cannot of course give any.

If there is any plan devised, and there is no impropriety in communicating it, I should like to have it in my power to satisfy those who may make inquiries upon that subject.

I have the honor to be,

Most respectfully,

Your obedient servant,

H. L. WHITE.

The Honorable SECRETARY OF WAR.

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *October 13, 1831.*

SIR: The blank letter of appointment of agent, for enrolling the Cherokees for emigration, which I had the honor of receiving from you a short time ago, has been filled with the name of Reuben Thornton, esquire, of Hall county: a copy is enclosed. I also send you a copy of the letter of acceptance just received from Mr. Thornton.

I am duly sensible of the confidence of the Government, and hope it has been used in such manner as to aid in effecting an important national object.

Accept the assurances of my highest respect.

Yours, &c.,

GEORGE R. GILMER.

Hon. LEWIS CASS,
Secretary of War.

GAINESVILLE, *October 10, 1831.*

DEAR SIR: Your favor of the 1st instant, accompanied by the copy of a commission from the Secretary of War, and which is so obligingly tendered to me by your excellency, was not received by me until arriving at this place to-day, where I found it in the post-office.

In the acceptance of the commission, I am solely influenced by an earnest desire to advance the interest of the State, and particularly with a view to support your administration as far as my personal exertion could in any degree effect that object. I would remark, the salary, however, is inadequate to the services required, as the expenses of the mission will have to be paid by myself. From my knowledge of the character of these people, to effect an extensive accomplishment of the object, the agent for enrolment must be liberal with them in many ways, which would augment his expenses very far beyond the sum necessary for travelling only. I shall, however, waive this consideration and devote my best services to the accomplishment of the object, as far as my necessary and *important private* interest will admit of it, during your continuance in office, reserving to myself the privilege of resigning should my interest require it, in the event of a change of our Governor.

I find in the commission, the agent is ordered to report to Benjamin F. Currey, esquire, the superintendent of the removal of the Indians; please inform me in your reply the location of Mr. Currey's office, as I am unapprized of his present movements; also any and every information or suggestion that will, in the estimation of your excellency, throw any light upon the duties I am to discharge.

I have the honor to remain,

Your excellency's very obedient servant,

REUBEN THORNTON.

His Excellency Governor GILMER.

ALLEGHANY ARSENAL, PITTSBURGH, *October 17, 1831.*

SIR: The late Secretary of War informed me, that there would be required 500 more ploughs, to be made at Pittsburgh, for the Choctaws, and to be forwarded next spring; and the prospect of obtaining the contract for them was an inducement for manufacturing the first 500 at what was considered a very low price.

Mr. Dixon, the contractor, who has given me full satisfaction in the quality of his ploughs, desires to receive another contract this fall, so that he may avail himself of the winter months in which to fulfil it; and if it shall be determined to have them made, I request that instructions to that effect may be given as soon as convenient.

I am, sir, very respectfully,

Your obedient servant,

R. L. BAKER,

Maj. U. S. A.

SAM. S. HAMILTON, Esq.,

War Department, Washington.

WASHINGTON CITY, *October 18, 1831.*

SIR: Please make out a commission for General John H. Eaton and General John Coffee, empowering them to proceed to the Chickasaw and Choctaw nations of Indians, to negotiate and arrange with the latter nation for a surrender of four and a half millions of acres of the tract of seventeen millions laid out and patented to the Indians of that tribe west of the Mississippi. It is of importance that this should be speedily attended to, in order that the Chickasaws may move with their elder brethren, the Choctaws. Without this arrangement there will be no room for the Chickasaws where they desire to be placed, beyond the limits of the Choctaws and adjoining them.

Respectfully, your servant,

ANDREW JACKSON.

To the SECRETARY OF WAR.

CHOCTAW NATION, *October 18, 1831.*

DEAR SIR: Owing to a mistake in Mr. Armstrong, in placing such persons as cultivated fifty acres of land or more on his books, I, as a citizen of the Choctaw nation, Leflore's district, have been greatly injured. I am satisfied that the major, after examining my place, forgot or through mistake did not enter my name, as appears from the returns made to the agent. I have written to the major, and will forward letters from the agent, Colonel Ward, and my chief, Colonel Leflore, on the subject, to him; which I most respectfully refer you to.

If the returns are made to your office, I beg you to call on Major Armstrong for such information as he may have, to satisfy you that I am entitled to a section of land under the provisions of the treaty; which I ask as a right secured to me, and hope, after you have examined the subject fully, you will cause to be embraced in the catalogue of names, entitled under that provision of the treaty who cultivated, at the time of the treaty, fifty acres or more, one section of land to embrace his or her farm, my name.

Your attention to my interest and rights in this respect will be gratefully acknowledged by me. Please to write to me on the subject immediately, and direct your letter to Rankin, Yazoo county, Mississippi.

I have the honor to be, with sentiments of great regard and consideration,

Your obedient servant,

DAVID COCKNAUR,

*Commonly called David Cockenhour.*Hon. LEWIS CASS, *Secretary of War.*CHOCTAW NATION, *October 18, 1831.*

DEAR SIR: I have just been to the agency-house, and have examined the books, and find that my name is not recorded as being entitled to any land, under the provisions of the treaty securing to individuals land according to the number of acres of land which they had in cultivation at the time of the treaty. I was not at home at the time you was at my house, but understood from my family and others that you were there; if so, you recollect the size of my farm. I cultivate from seventy-five to eighty acres, and un-

derstand that you put down my farm at eighty acres, yet I cannot see upon the books my name, although the number of persons entitled under that provision of the treaty is not filled out. You will not understand me to believe that I am neglected through design, but, on your part, through mistake. That I am entitled to a section, there can be no doubt; and, for the certainty and truth of the above facts, I refer you to Colonel Leflore and Colonel Ward's letters, written to you on the subject.

In order that you may recollect the place where I live—it is three miles from Rankin, a double hewed logged house with brick chimneys, with a grove of China trees round the house. I hope you will do me the justice to give me my just rights as a Choctaw citizen and friend to the United States, by correcting the mistake which has occurred to my injury in this respect. I wish you to write to me immediately on the receipt of this, directing your letter to Rankin, Mississippi, giving me directions and information on the subject. Your compliance with the above request, and such service as you may render me in this all-important matter to me, will be thankfully acknowledged by,

Your obedient servant,

DAVID COCKNAUR,

Commonly called David Cockenhour.

Major F. W. ARMSTRONG,

Com. or Special Agent Choctaws.

CHEROKEE AGENCY, *October 20, 1831.*

SIR: I have been repeatedly urged by some of those people to endeavor to ascertain whether the Government would not enter into a treaty with those of them who have emigrated the two last years, and those who will now go, or those who in that event would go, or become citizens of the States on receiving reservations in fee, and accept a cession of their proportion of the land on the east of the Mississippi, and give them in lieu of it land adjoining their brethren in the west, or an equivalent in money. I have always discountenanced the expectation that the Government would treat with a part of the nation; but, understanding that some are holding back until they can hear the result of such a proposition, I have finally agreed to submit it.

Enclosed I send you a letter, which I have just received from Colonel Sanford by the sub-agent, in answer to a call which was made on him by Colonel Williams on the subject of the two Indians represented by John Ross to have been murdered at the gold mines, which gives all the information I have received on that subject.

Very respectfully, your obedient servant,

H. MONTGOMERY.

Hon. LEWIS CASS,

Secretary of War, Washington City.

HEAD OF COOSA, CHEROKEE NATION, *September 9, 1831.*

SIR: On last evening, I received intelligence that a detachment of the Georgia guard, under the command of Sergeant Brooks, a few days since, in reconnoitring the woods at the upper gold mines, in this nation, came

across two Cherokee boys on Bag's branch, and shot at them. The boys fled into the wilderness; and the Georgia troops, in their pursuit, found another Cherokee on Terrill's mill creek, who they suppose had been digging for gold; and, upon the approach of these troops, the Cherokee took to his heels, and the soldiers were ordered to fire on him; and, on the third shot, the poor Indian fell to the ground very dangerously wounded. The Indian was taken and left at Reuben Daniel's; since which time, the Indian has not been seen, and a report of his having run away has been circulated; but, from the state of his wound, this report is supposed to be entirely groundless, and there are strong suspicions entertained of his death and secretion. It is also reported that it has been stated by one of the guard, that they had, at or about the same time, shot another Indian through the body, whose wound they supposed to be mortal.

This flagrant outrage is communicated to you as the agent of the United States, whose duty it is to bring such offenders to justice agreeably to the existing treaties and intercourse act of the United States. It has always been my ardent desire to prevent all possible ground of complaint against the Cherokees; and I have the gratification to know that my exertions in this respect have not been unavailing; but, with extreme regret and pain, I have witnessed one outrage after another committed upon the Cherokees with impunity by citizens of the United States: and now that their property, their liberty, and their lives, are wantonly assailed in the face of the authorities of the United States, will the President of the United States permit these sacred rights to be destroyed? Of him, as the conservator of the treaties and laws of the United States, we claim rightful protection. Although the cries of the Cherokees and their past wrongs have not been heard and redressed; and although, in the feebleness of their own exertions to seek a peaceable and quiet redress under the provisions of their treaties, an attempt has been made to bind their hands by withholding their national annuity from their treasurer, yet we will still hope for redress, and call upon the President and his agents for justice and protection, until the doom of this nation shall have been finally sealed.

I am, sir, respectfully,

Your obedient servant,

JOHN ROSS.

To Colonel H. MONTGOMERY, *U. S. Agent.*

SCUDDERS, *September 29, 1831.*

SIR: Col. Williams exhibited to me, a few days since, an extract of a letter from John Ross to yourself, representing that a couple of Indians had been shot by the guard stationed at Daniel's for the protection of the upper gold mines, and giving to that supposed transaction all the exaggeration which an imagination, greatly excited by great prejudice, could suggest. Whence he derives his information I cannot pretend to know; but, if I am correctly informed, (and that I am, I doubt not,) the whole matter has, throughout, been greatly misrepresented—one of the cases complained of not having occurred at all, and the other occurring widely different from what he has stated. I regret, indeed, that it should, in any wise, have happened; but that it has thus happened is, perhaps, nothing more than the result justly awaiting the temerity that voluntarily exposed itself to the danger,

and defied its consequences. I am, nevertheless, gratified that the injury has been slight, occasioning but little inconvenience at the time of its infliction, none since, and not exceeding the measure of the offence. Although the act was done without authority from this station, I am by no means prepared to say that it has not been fully authorized by the necessity of the occasion, and that a measure of its potency was not necessary to secure the public property from continued inroads and devastation. If, however, the guard, or any of its members, have been guilty of a lawless and unjustifiable outrage upon the persons of the Indians, likely to result in the consequences darkly insinuated by Ross, let him make good the charge, and Georgia herself will become the avenger of their wrongs. The offence, if committed, is within her jurisdictional limits; and Ross himself cannot have been such an inattentive observer of the signs of the times as not to perceive that her authority is co-extensive with her boundary, and that violations of her laws, and injuries to her citizens, are punishable, and will be punished alone before her tribunals.

With great consideration,

I have the honor to be,

Your obedient servant.

J. W. A. SANFORD,

Agent in behalf of Geo.

Col. HUGH MONTGOMERY.

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, October 20, 1831.

SIR: I had the honor, on the 14th ultimo, to acknowledge the receipt of Mr. Herring's letter of 29th August, on the subject of the surveys required by the treaty of Prairie du Chien of 1830. In that letter, I expressed the belief that it would be the interest of the Government to cause those surveys to be executed by the agents of the tribes interested. Having since, however, received from Gen. Hughes an estimate of the probable cost of this work, and a proposition, on his part and that of Major Bean, to execute it at \$6 per mile, (which I did not believe my instructions authorized me to accept,) I have thought it would best promote the interest of the Government for the department to appoint a skilful surveyor to make these surveys at a fair compensation per day, or otherwise, as the department might deem best, and authorize him to purchase his outfit, and engage the necessary hands, &c. I would beg leave also to suggest that Gen. Hughes and Major Bean be instructed to accompany the surveyor, with a suitable number of Indians from the tribes interested, and that those agents be allowed a liberal compensation per day, as extra allowance; which should, in my opinion, be equal, or nearly so, to that of the surveyor. I take the liberty of suggesting this course, believing that it is not the wish of the Government to extort service out of its agents without due compensation, but to have the public business well executed, and to the satisfaction of all the parties concerned.

Should these suggestions meet the views of the department, I would be happy to hear its final decision, and to be advised, as early as convenient, as to the instructions to be given to the sub-agents named. Their duties will be arduous, as it will require their best exertions to keep up a good understanding among the representatives of the different tribes who will accompany them,

and between these and the various parties they may meet on the route; also for the protection of the surveyor—some of the tribes in that quarter being now engaged in a petty war against each other.

With high respect,

I have the honor to be,

Your very obedient servant,

WM. CLARK.

Hon. LEWIS CASS,
Secretary of War.

CHOCTAW AGENCY, *October 22, 1831.*

SIR: I had the honor to receive Mr. Sam. S. Hamilton's letter, requesting me to advise the Department of War of the names of the persons whom I had appointed to proceed and value the Choctaw cattle, agreeably to the instructions given to the late Mr. Douglass.

As soon as Mr. Douglass died, I thought that some person should proceed on the duties assigned him. As notices had been given, and the business fully known, I appointed Maj. Wm. Dowsing, of Columbus, Mississippi, to supply the place of Mr. Douglass. For the character of Maj. Dowsing, I refer you to the Representatives of this State in the Congress of the United States. Maj. Dowsing has been over three-fourths of the nation, and will complete the whole duties in two weeks more. So far as I have heard, he has given general satisfaction to the Indians. I agreed with Major Dowsing to give him four dollars per day, and find him stationery and an interpreter; so that, upon the whole, this business will be done, and no doubt correctly, for about one-half that Mr. Douglass was to be paid.

I have the honor to be,

Very respectfully,

Your most obedient servant,

W. WARD,
Agent C. Nation.

Hon. LEWIS CASS,
Secretary of War.

P. S. I wish to be advised what course I am to pursue with the white people that are moving into the Choctaw nation, as I find that threats are useless any longer. It is supposed there will be five hundred families on the lands lately ceded to Government by the Choctaws this winter. You are aware that the two companies of United States' troops stationed here are removed.

W. W.

FLORENCE, *October 22, 1831.*

DEAR SIR: I this day received from the War Department an appointment for valuing and selling the cattle belonging to the Indians in the Choctaw nation, which appointment I have accepted, and will leave Florence, Alabama, on the 30th instant, for the Choctaw Agency, there to enter on the duties assigned me. On my arrival there, you will hear from me. Be

assured nothing on my part shall be wanting to promote the interest of the Government.

With due respect,

Your most obedient servant,
JOHN W. BYRN.

LOUIS McLANE,
Acting Secretary of War.

MEDINA, N. Y., *October 23, 1831.*

DEAR SIR: I shall distribute annuity goods to the Indians, at Buffalo, on the 17th November next, for 1831. Will you have the goodness to answer e definitely, so that I can inform them—

1. Whether the deficit in interest, (the annual interest) of \$6,000, for the year 1829, will be made up without a special act of Congress, or will the department pay it?

2. Whether the department will pay the amount of my expenses, and the Senecas, who were at Washington last winter, (account forwarded to department some time since,) or are we to be particularly excluded?

3. Will you have the goodness to forward to me the amount of money that is due my agency for the year 1831, so that I can close my accounts at the end of the year? Your prompt answer will confer a favor.

I have the honor to be,

Very respectfully, sir, &c., &c.,

JUSTUS INGERSOLL,

Superintendent Six Nations N. Y. Indians.

SAMUEL S. HAMILTON, Esq.

CINCINNATI, *October 26, 1831.*

SIR: I have the honor to inform you that, on Wednesday last, I succeeded in concluding a preliminary agreement with the chiefs of the Wyandots for a cession of their lands, a copy of which is enclosed. I set out the next morning for this place, with the delegation. We arrived here late last night, and I have just cashed a draft on you for one thousand dollars, paid the same over to Wm. Walker, esq., and taken the receipt of himself and the rest of the delegation therefor. The delegation take a steamboat for St. Louis in the morning. I have been so constantly engaged, since I closed the agreement at Upper Sandusky, that I have really not had time to write you until this moment. I have experienced much difficulty and encountered numerous obstacles, some of which at first appeared insuperable. I shall now have some leisure, and will give you a full detail of my operations among the Ottoways and Wyandots, which I trust will meet your approbation.

In haste, I am, very respectfully,

Your most obedient servant,

J. B. GARDINER,

Special Agent, &c.

Hon. LEWIS CASS,
Secretary of War.

WASHINGTON CITY, *October 26, 1831.*

SIR: I have the honor of reporting to you, that I have finished the work assigned me in the Choctaw nation, agreeably to instructions from the War Department of April last, and, with this report, return the books complete, exhibiting the census of that tribe, with alphabets, showing the different reservations of land granted to each individual claiming under the treaty: the names, the number of acres, the company and district to which they belong, and under what part or article of the treaty the claim is granted—all of which has been done with as much accuracy as was practicable, under the circumstances, and in a way calculated to facilitate and aid the department in carrying into effect the Choctaw treaty.

Before leaving the agency, I made out copies, from the books now returned, of all the claims to which the Indians are entitled, and left with the agent one copy for the purpose of relinquishments, with an understanding that relinquishments could be made until the first day of January. The lists left are of a form that barely required the name of the person relinquishing to be signed opposite his claim. I also left, with each of the three principal chiefs, one copy, to enable them to relinquish understandingly; and, with the consent of the President, sales may be made in a way to prevent any difficulty hereafter.

The article of the treaty providing for relinquishments reads thus: "The several reservations secured under this article may be sold with the consent of the President of the United States, but, should any prefer it, or omit to take a reservation for the quantity he may be entitled to, the United States will, on his removing, pay fifty cents an acre, after reaching their new homes, provided that, before the first day of January next, they shall adduce to the agent, or some other authorized person, proof of their claim, and the quantity of it."

The Indians, therefore, proceeded as they thought under this provision of the treaty, and actually made their returns complete, under, as they say, the belief that they could not relinquish after the last day of December, 1830. In the returns made and placed with the agent, each individual was the sole judge of his own claim, and the quantity of it; the warriors returning their claims to their captains, and they to their three chiefs, by which it would seem that they actually had in cultivation, in the year 1830, sufficient land to entitle them to all the benefits that would be granted them, provided all the classes were filed as provided for in the treaty.

Upon this article of the treaty, I have given it as my opinion that it was impracticable to comply with the treaty, giving it such a construction; that the proof required for the claim could not be furnished, until after the examination here made was completed; and that they would have until the first of the next January to relinquish; and that they can now offer the work done by me, under the orders of the Government, as the best proof of their claim, and the quantity of it, as required by the treaty. And further, as the treaty was not then ratified, it could not be expected of them that they would have their fields measured, and be at the expense and trouble of travelling to the agency to relinquish, until after the treaty was actually ratified.

I have the honor, &c.,

F. W. ARMSTRONG.

Hon. LEWIS CASS,

Secretary of War.

The following table will show the precise quantity of land granted to the Choctaws by the late treaty. The different columns below will exhibit the quantity of land claimed by the returns made to the agent on the last day of December, 1830, by the Choctaws, and the claims to which they are actually entitled to, as shown by the books now returned. Also, the difference in dollars, provided they had relinquished all their lands as claimed.

The parties interested.	50 acre class gives 640 acres.	30 acre class gives 480 acres.	20 acre class gives 350 acres.	12 acre class gives 160 acres.	2 acre class gives 80 acres.	Small class en- tire number.	Small class over- run.
No. of each class,	40	460	400	350	350	1,763	1,413
Choctaw's claim, U. States' grant,	40 17	460 46	400 74	350 244	350	113,040	56,320
Classes short,	23	414	426	106			
Acres short,	15,720	198,820	104,320	16,960	Acres	335,820	
Dollars short,	7,360	99,360	52,160	8,480	Dols.	168,360	

CHEROKEE AGENCY, *October 27, 1831.*

SIR: I beg leave to offer my testimony in favor of the manner in which Maj. William Dowsing, the gentleman appointed by Col. Ward, after the death of the late Mr. Douglass, to value and make sale of the cattle belonging to the Choctaws agreeably to the late treaty, has performed that duty. So far as I have witnessed, or been informed of the valuation and sales made by Maj. Dowsing, they have been, in my opinion, correct and satisfactory to the Indians; and the interest of the Government seems to have been consulted in all his transactions. The duty, so far as can be this season, will soon be completed.

I have the honor to be,

With great respect,

Your obedient servant,

GEORGE S. GAINES.

The Hon. LEWIS CASS.

CHEROKEE AGENCY, *October 28, 1831.*

SIR: By the last mail I received your letter of the 7th instant; and, in obedience to your order, report that, when I came to the agency, I found that my predecessor had been in the practice, ever since the year 1819, of paying the annuity to Charles Hicks, as treasurer of the nation; and, on examining for their authority for so doing, I found a letter from J. C. Calhoun, the then Secretary of War, dated 4th March, in that year, directing Colonel Meigs, in the distribution of the Cherokee annuities, to pay it in any manner that may be acceptable to the nation, provided that the expense thereof did not exceed \$1,280. Of course I followed the practice set by him as my immediate predecessor had done, and paid it to such person as was represented to me to be the treasurer of the nation, until I received the orders of the 18th June, 1830. I then furnished John Ross, the principal chief of the nation, with a copy of that order, and asked of the council then in session to make such regulations as would enable me to give to each Indian their just proportion, agreeably to that order; and, on receiving a draft for the present year's annuity, and whilst the messengers were gone to Nashville to exchange it for specie to pay it, I sent a notice to the editor of the Cherokee Phoenix, and which was published in that paper, that I expected to be ready by the 1st of July to pay it, agreeably to that order. (See a copy of that advertisement enclosed in my letter of the 4th August ultimo.) I also sent written and verbal notice through the different parts of the nation, and commenced, and yet continued paying to the heads of each family who applied, fifty cents for each individual Indian in their family. But, as yet, have only paid \$325 out of the \$6,666 66, the sum due.

It may be proper here to observe, that, previous to the year 1819, the practice seems to have been to collect the Indians at the agency yearly, and deliver to their chiefs the annuities in goods, which was by them distributed amongst the Indians. Whether it was on account of the expense which it cost the Government, or the inconvenience of the Indians, that the change was made, I know not; perhaps both. The expense was then limited to \$1,280, and this sum was paid with the annuity to the treasurer, up to the year 1827, when the Government, finding that it was not distributed amongst the Indians at all, they stopped the \$1,280. (See Mr. McKenney's letter to me of the 14th of March, in that year.)

As to the reasons which prevent the distribution, agreeably to the order of the 18th June, 1830, I believe the principal one is, that the chiefs and counsellors, and all the officers of the nation from the highest to the lowest, have exerted all their influence to prevent the Indians from receiving it; and when persuasions, and even mis-statements, had, or were likely to fail of entire success, resort is had to menace; and those who receive it are threatened with the lash. (See a resolution entered into at Lory, Savannah, which was enclosed in my letter 4th August ultimo.)

Another reason which is calculated, at least, to retard the payment of it, is the great extent of the country over which the Indians are thinly scattered; and the small sum to which each is entitled, makes it scarcely worth attending at the agency for; and the annuity being all in specie, for sake of change, it is not very convenient to carry it all over the country to pay them, even if it was ascertained that they would receive it.

I am, very respectfully,

Your obedient servant,

H. MONTGOMERY.

Hon. LEWIS CASS, *Secretary of War, Washington City.*

WESTERN CREEK AGENCY, *October 29, 1831.*

SIR: I have the honor to enclose you a letter from the chiefs of the western Creeks, to the President of the United States, and a letter from Colonel Arbuckle, and one from Dr. Baylor of the army, on the subject of the country that the Creeks claim between the Canadian and Verdigris.

In a conference that Mr. McCoy had with the chiefs of the Creeks, he informed them that he would run out the Cherokee country first, and unless he got other orders, he would run it agreeably to the Cherokee treaty of the 6th May, 1828; this has caused great dissatisfaction and uneasiness amongst the Creeks, as it will take into the Cherokee limits, near one-third of the Creek settlements. The Creeks will be perfectly satisfied with the country west of the old boundary line of the Arkansas Territory; and from the main Canadian north to the Verdigris.

I have the honor to be,

Sir, respectfully,

Your obedient servant,

JOHN CAMPBELL.

Hon. LEWIS CASS,

Secretary of War.

CANTONMENT GIBSON, *Oct. 29, 1831.*

SIR: Agreeably to your request, and that of the chiefs of the western Creeks, in council assembled, a few days since, I have to state that Colonel D. Brearley arrived at this post in the early part of May, 1827, with a delegation of Creek Indians, for the purpose of selecting a tract of country for that nation, agreeably to treaty; and at the request of Colonel Brearley, I was ordered by Colonel Arbuckle to accompany the party, which proceeded up the Arkansas river about sixty miles on the north side, then crossed and passed west of south to the main Canadian; thence, down that river to the road, at that time travelled from this place to Cantonment Towson, by which we returned. The Indians expressed their entire satisfaction with the tract viewed, and particularly that part on the Canadian and its tributaries, where they wished to settle. On the arrival of the first emigrating party, safety, as well as convenience to the Government in furnishing them with supplies, induced them to make their first location north of the Arkansas river. It is but just to say, that they looked to the ultimate occupancy of that portion on the Canadian and its waters.

I am, sir, &c.,

JNO. W. BAYLOR,

Assistant Surgeon U. S. Army.

To General JOHN CAMPBELL, *Agent western Creeks.*

WESTERN CREEK NATION, *Oct. 25, 1831.*

We have lately had a talk with Mr. McCoy, the gentleman you sent to run and lay off the lines between the Creeks, Cherokees, and Choctaws. In that interview with him, we made the following propositions, viz.

We told him we would expect the territory between the Verdigris and Canadian, and its contents; but, in case it should be out of the power of the

President to give us that, we then told him we would exchange with the Cherokees, and take the lands north of the Verdigris, and with the Arkansas river to Fort Smith, then bounded on the north by the State of Missouri; and if that could not be done, the lands west of the old territorial line, we hold by treaty, since that we have been informed that the surveyors intend going up the Arkansas and Canadian, how far we do not know, above the territorial line, to make up the seven millions of acres ceded to the Cherokees. When our delegation was at Washington city, in 1830, they then asked for more land, knowing that we had not enough, should we get all above the territorial line, and now to have the land between the Arkansas and Canadian taken from us, and pushed out in the open prairie, where it would be impossible for us to live, we cannot, nor will we ever agree to it. Our people have already settled the country, and do not intend to be removed without it is done by force. We have always taken the advice of our father. When he told us to come to this country, we came with the promise of having an unmolested home, having left behind us a country that we loved, and where lay the bones of our fathers, and then to be driven into the open prairie, out of sight of timber, and there to perish, it is enough to make our hearts bleed at the thought of it. We know, if our father could with his eyes see our situation, he would say to us, you are right, and shall have what you ask.

Our father: the 6th article of the treaty at Washington city, the 24th January, 1826, states that the emigrating party shall send an exploring party to view and select a country; which exploring party did select and say that the lands between the Verdigris and Canadian was the country they selected for the Creeks to settle, as will be proven by the certificates of Colonel Arbuckle and Doctor Baylor.

On the arrival of the first emigrants, Colonel Brearley thought it best for the people to settle between the Verdigris and Arkansas, as it would be inconvenient to furnish provisions on the Canadian, and that it would be too far from the garrison to render them aid or assistance against the ravages of the wild Indians. Colonel Arbuckle also thought it best for the present, but as our people emigrated, we could then settle it; and at this time there is at least one-third of our people living between the Arkansas and Canadian. We ask our father if it would not be hard to drive them from a comfortable home, where they have good water and timber sufficient for them, to a prairie, where certain death would soon meet them; no wood, no water for their subsistence. We will not; we would rather meet death here. We claim that country as our right, guarantied to us by a treaty, and to give it up, we never can for a moment think of it. And when we claim nothing but our own, we know the magnanimity of our great father will not suffer us to be imposed on, or suffer the land to be taken away from us. We have already invited our brothers and friends from the old nation to come and live with us. How can we receive them. We have very little timbered country now; and when that is taken away from us, what shall we say to them; we cannot give them our houses and fields. No; we must say to them there is the prairie, and there you must settle. If Colonel Brearley, the officer of the Government, has made a report unfavorable to us, we cannot consent to be the sufferers to our ultimate ruin and destruction. We hope our father will take our situation into consideration, and not think us troublesome, when we make so reasonable a request. All we want, is land sufficient to live comfortable and raise our children on. Should there be any land taken,

above the territorial line, from us, our situation will be a bad one. Anticipating all will be settled to our satisfaction, we respectfully submit the subject for your consideration.

ROLEY McINTOSH,	his x mark.
CHILLY McINTOSH,	x
FUSHATCHY MICCO,	x
IS POAK OAK HARJO,	x
HASPOTOCH HARJO,	x
WAR LOCK O HARJO,	x
NIUNE HO MAR TO CHEE,	x
HO POY O CHEE,	x
TAL MASSEE,	x
CORSER YOHOLLO,	x
TUSTANNUGGEE CHOPCO,	x
BENJAMIN PERRYMAN,	x
HILLABEE TUSTEUNUGGEE	x
SAMUEL PERRYMAN,	x
THLE OPHILUS PERRYMAN,	x
HOLALTER THLOCKS,	x
OBAYOEK MICCO,	x
EASTER CHARCO HARJO,	x
HONEHER TUSTEUNUGGEE,	x
SPANNA MICCO,	x
TUSKAENEHAH,	x
OAKETTA ACKNEY TUSKENEHAH,	x
THOMAS STEDHAM,	x
CHOCOTEE TUSTEUNUGGEE,	x
GISKER LIGER EMARTHLE,	x
TUSCONO FIXICO,	x
TUCKA BUTCHEE HARJO,	x

Done in presence of

JNO. CAMPBELL, *Agent Creeks.*

HUGH LOVE.

ELI JACOBS, *C. C. N.*

BENJ. HAWKINS, *Interpreter.*

To our Father the PRESIDENT OF THE U. STATES.

ST. LOUIS, MISSOURI, *October 29, 1831.*

DEAR SIR: Pardon me for the liberty here taken, by addressing you on a subject which I presume you, as yet, are but little acquainted with, though truly qualified to decide on the case.

On 4th August, 1824, the deputation of chiefs from the Sac and Fox nations of Indians at Washington city, sold to the United States a large tract of land between the rivers Mississippi and Missouri, reserving for their half-breed children *then living*, a small point of land between the rivers Des Moines and Mississippi, which reservation and gift was sanctioned by the President and Senate of the United States, with an understanding, *by the commissioner*, the reserved land was to be surveyed and divided, so each claimant could know their portion and situation.

For some unknown cause, the division has not been made. The half-breeds and their agent petitioned to Congress to have their lands divided, &c.; in answer thereto, \$2,000 were appropriated for that purpose last winter, which sum remains *now in the treasury at Washington, and no survey has yet commenced*. Every day depredations are committed on the land, and no one the power of preventing it. I beg leave to refer you to that treaty, and a letter signed by the chiefs of the Sac and Fox Indians to the Secretary of War, dated 30th July, 1829, as well as their talk to the United States' commissioner, at Prairie du Chien, 4th August, 1830.

I believe General Clark has received orders to have the land surveyed, though nothing said about division, &c. One without the other would avail nothing. I presume he is waiting for instructions to have it divided. Should you not have given any orders therefor, permit me to inform you the manner the claimants wish the division to be made; and it may not be improper here to say, there are a great many claiming who are not legal representatives.

In the first place, the northern boundary line should be established; the land within that line surveyed so as to correspond with the adjoining surveys of public land, in the State of Missouri; divisions and subdivisions marked and bounded.

2d. A town site within the reservation, on the river Mississippi, at the foot of Des Moines rapids, be laid off, where a town has commenced by squatters.

3d. Three disinterested men of *integrity, under oath*, be appointed, with power to take proof and determine on the private land claims coming within this reservation. The surveyor and Thos. Forsyth would be two proper persons: the latter in particular, as he knows all these Indians, and no way interested. Also, it is important for them to decide on the rights of the claimants.

4th. The number of claimants thus ascertained, the land, town lots, &c., valued according to quality, quantity, and situation; then divided in parcels or lots equal to the *number of rightful* claimants; each allotment to be of equal value; then designating by lottery each child's number or parcel of land, town lots, &c.

It would be important if the commissioner, or some other person, could be authorized to grant a patent to each rightful owner, which, when recorded, would be a final decision.

I have conversed with nearly all the claimants, who appeared to be satisfied with this plan of making the division; as guardian for three or four, I give my consent, and nothing is wanting but instructions from the President or War Department. The sum of \$2,000, I think, will nearly defray all expenses. There is a *pretended*, or unconfirmed, Spanish claim within this land, reserved for the half-breeds, of one league square, which I hope will be noticed by you when giving instructions to General Clark. The land and situation is very desirable in that claim.

I beg leave further for your consideration, the propriety of having a school for Indian and the half-breed children, already near one hundred; and there are persons residing there who would undertake to instruct them for a trifle.

I remain, very respectfully,

Your humble servant,

JOHN W. JOHNSON.

Hon. LEWIS CASS, *Secretary of War*.

N. B. An answer will be thankfully received.

FATHER: We, the chiefs and head warriors of the Creek nation, west of Arkansas Territory, having met in council for the purpose of taking into consideration such measures as might add to the happiness and security of our nation, have concluded to send you this our talk, which we hope you will communicate to the great council of the United States' Government, when they meet at Washington city, in December next.

Father: when we removed from the land of our forefathers agreeably to our treaty with the Government of the United States, we left behind us the bones of those whose memory we held most sacred; the scenes of our youth are still dear to us, and causes us to regret that stern necessity and misfortune has driven us into this western wilderness. We, however, trust to the vigorous support and protection of the Government of the United States, as was promised in our treaty, and we rely upon the sympathetic feelings of our white brothers in supporting us, when we only ask what is just.

We knew we were coming to a land of strangers, and that our intended neighbors were red brothers who had not received the advantage of civilization as we, and the rest of your red children who had resided east of the Mississippi. *These* wild Indians depend almost altogether upon the chase for support, and their glory is war. *We* are anxious to pursue a different course. Our object is to cultivate the land, to support our families by our industry, and to preserve peace not only with our white, but with our red brothers. We are, however, subject to depredations from small bands of those Indians who live on our southern and western frontiers, which keeps us in continual alarm for the safety of our people, more particularly our women and children. These small bands generally make their attacks at night, and before the alarm can be given their escape is almost certain, as they are so well acquainted with the country.

Father: our object in making this appeal to you is, that we hope you will recommend to Congress to appoint commissioners, with the power of making selections of deputations from different tribes west of the Mississippi, to hold a general council with the view of making such arrangements, as that peace may hereafter be preserved amongst the different tribes; and as we are convinced that the success of such an undertaking depends much upon the selection of those who are to compose the commission, we do anxiously recommend our friend, Colonel Auguste P. Chouteau, of St. Louis, Missouri, to be one of the commisssoners, as we have full confidence in his integrity and knowledge of the tribes, language, manners, customs, &c., which qualify him in a superior manner for so responsible a duty.

Father: this, as far as we have been able to ascertain, is the general wish of the Creeks, Cherokees, and Osages, and we hope that you will listen to the voice of your red children.

Witness our hands and seals in council, this twenty-ninth day of October, 1831.

ROLEY McINTOSH,	his x mark.
CHILLY McINTOSH,	x
FUSBY HATCHEE MICCO,	x
COWARCUTCHEE EMARTHLA,	x
HOTHLEPOIR TUSTENAGGEE,	x
SPOHOKI HARJO,	x
HOSPETARK HARJO,	x
ISTA CAHARER MICCS,	x
HILLABEE TUSTENAGGEE,	x

SAMUEL PERRYMAN,	his x mark.
TUCKABATHIEE HARJO,	x
ISTACHARCO HARJO,	x
HOLTATA THLOUO,	x
CO. EMARHLA,	x
COOSA YAHOLA,	x
TUS KENEHAW,	x
TOM STEDHAM,	x
SACOTA TUSTENAGGEE,	x
NOCOSSEE TUSTENAGGEE,	x

Witnesses present,

THOS. ANTHONY, *Acting U. S. Sub-agent for Osages.*

BENJAMIN HAWKINS.

To his Excellency ANDREW JACKSON,

President of the United States.

WYNN'S POST-OFFICE, *October 31, 1831.*

SIR: Dr. David A. Reese reported to me on the 17th, and Reuben Thornton, esq., on the 19th instant, as assistant enrolling agents.

We have visited most parts of the nation, and find it very evident, from a variety of causes, that the Cherokees make the payment for their property here an indispensable prerequisite; we have, therefore, given them to understand that this will, in accordance with their wishes, be ordered to be done by the department.

To furnish the funds to the agent as early as possible, and have a few improvements valued and paid for, would, in the opinion of all the agents employed, give a considerable impulse to emigration.

By the different agents about one hundred and twenty-five Cherokees have been enrolled, who own about sixty-five negroes. We have a prospect of many others between this and the 1st January next.

Judge Clayton's decision, which appeared about the time of my arrival within the Indian territory, has had a very deleterious effect upon the former prospect of a considerable emigration taking place this fall. Those who have enrolled, are principally of the most intelligent, unconnected with the Cherokee Government.

Should the chiefs fail to realize the expectations excited by them with the common Indians, in regaining their territory within the limits of Georgia, at the next Congress, which must inevitably be the case, all their power will pass from them; and the common people, I am persuaded, will then think and act for themselves.

I feel myself authorized to employ influential Cherokees at a salary corresponding with their influence, in their respective towns, not exceeding four dollars per day, to promote the views of Government. This, in order to have effect, you must be satisfied, will have to be done confidentially, not to become public, among the Indians. Such a course is necessary for the purpose of subverting the influence of the chiefs, and facilitating the great objects of removal; such agents would have infinitely more influence with the natives than those who are known to be under pay.

Please to inform me whether the Indians will be allowed to take hunting-dogs and horses, as well as negroes, to be provided for by the Government.

Although it is not probable a general emigration will shortly take place, still it might be well to order on to the Indian country, as speedily as possible, the commissary contemplated in the projet. Some of those already enrolled are anxious to start for their new homes, and others are waiting to see whether or not those who have enrolled will be paid before their departure, which we have promised shall be done, as none would agree to relinquish their claims to the country on any other terms.

I shall be able, on my arrival at the agency, whither I am now bound, to give a more detailed and satisfactory report to the department.

I have the honor to be, sir,

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY.

E. HERRING, Esq.,

Bureau of Indian Affairs.

KEOKUCK, RAPIDS DES MOINES, *November 1, 1831.*

SIR: Having seen a circular of yours, addressed to several individuals in the Indian country, eliciting information on Indian affairs, and having had on Fever river, formerly, the honor of an "en passant" acquaintance with you, I therefore beg leave to obtrude my opinions on one topic, which is laterally connected with the subject.

You know, sir, that by virtue of a certain treaty at Washington, in 1824, that a tract of land was reserved to the half-breed Sac and Fox Indians north of the river Des Moines, and bounded by that river and the Mississippi from the point which they unite to another, not yet ascertained, being a continuation of the northern boundary of Missouri to a point eastwardly, where it may happen to strike the Mississippi.

There are about sixty of these persons on the roll of claims, and probably many more not yet ascertained, nearly one half of whom now reside here on the premises, and the remainder standing aloof, being afraid to locate themselves and make improvements, until something is done in the way of division, survey, &c. From this cause, now of seven years' standing, this donation, made by the relatives of those poor people, which otherwise might be available, lies uncultivated and of no manner of use to them or the public at large. There is, at this point, Keokuck, the most eligible site for a town that the Mississippi affords north of St. Louis. In consequence of the uncertainty of the right of location among the claimants, where there ought to be a flourishing town, there is none; and the farmers and merchants north on Fever river and Illinois, in general, suffer by having their merchandise exposed on the shores for weeks, in times of low water. Many of the half-breeds, Sacs and Foxes, are of mature age, and some of good education; some have parents and guardians, and there are others have neither. I beg leave to suggest that some impartial persons may be appointed to make a division and adjust the claims equitably. There can be no doubt but the survey and division of these lands would be a very popular measure in the adjacent States and Territories, as there are many men of capital and high standing who feel anxious to settle themselves on these rapids. Again, I must humbly and sincerely intreat that you will embody this circumstance in your report, and press it on the

attention of Congress, as there are many of the persons concerned in most deplorable indigence.

I enclose this to Major Thomas Forsyth, of St. Louis, ex-agent of Indian affairs, requesting his assistance on the subject.

I am, most respectfully,

Your humble servant,

JNO. CONNOLLY.

To the Hon. LEWIS CASS,

Secretary of War Department.

CINCINNATI, November 1, 1831.

SIR: I have the honor to inform you that the Wyandot delegation left here on Thursday last, in the steamboat New Jersey, for Louisville. The same boat returned yesterday, by which I received a letter from William Walker, esq., (one of the delegates and conductor of the exploring party,) informing that he had, soon after his arrival, found a boat going directly to St. Louis, and should embark at four o'clock on Saturday last. Without casualty, the delegation are nearly at St. Louis by this time; from whence, it is said here, they can soon procure one of the small steamboats, which are yet plying between St. Louis and the Upper Missouri. We may therefore, I think, look for the return of the party about Christmas. I shall return home to-morrow, and employ myself as much as I can in adjusting the details of a final treaty with the Wyandot chiefs.

I know I am delinquent in some of my official correspondence; but it has been owing to my constant engagements of late among the Wyandots, and the necessity of my coming here to procure from the United States Branch Bank such funds as would suit for the expenses of the exploring delegation.

I find I shall have occasion for a small sum more of money before I close my mission in Ohio. I think perhaps \$300 will be enough; but for fear of a deficiency, I respectfully suggest that you authorize me to draw for \$500, in addition to my former drafts. Having finished the greater part of my duties, and my family having suffered greatly by sickness and privation at Tiffin, I design to remove to some place in the interior of the State as soon as possible; in the mean time you will please to direct to me at Tiffin, until further notice.

With sentiments of high respect,

I have the honor to be,

Your most obedient servant,

J. B. GARDINER,

Special Agent, &c.

Colonel S. S. HAMILTON.

Your memorialists, the General Assembly of the Territory of Arkansas, respectfully represents unto your excellency, that by the treaty concluded with the Cherokee nation, in the year 1827, the residents and inhabitants of that nation were obligated to remove beyond, or west of, a certain line therein particularly designated. Prior to that treaty, a considerable number of Indians, of the Shawnee tribe, settled upon the lands of the Chero-

kees, and remained in the nation under their protection; and by their consent, this tribe did not remove beyond the designated line, and still remain on the land now belonging to the United States—that portion of country in which they live has fallen within the limits of a respectable county of the Territory of Arkansas, and very greatly retards the settlement of the county. Looking at this matter in a calm, dispassionate manner, it is certainly a grievance which ought to be remedied; the contiguity of the white and Indian settlements cannot but be productive of the most disagreeable consequences; bickerings and jealousies have already arisen, and they must eventually end in the most aggravated hostilities—scenes of carnage and bloodshed will sooner or later occur—let but the work of destruction commence, and many will fall victims to the unrelenting fury of the savages. We hope that your excellency will not turn a deaf ear to these representations, and, in conformity with the treaty, will compel the removal of the Indians.

WILLIAM TRIMBLE,

Speaker of the House of Representatives.

CHAS. CALDWELL,

President of the Legislative Council.

Approved, November 3, 1831.

JOHN POPE.

To the PRESIDENT OF THE UNITED STATES.

Boston, November 3, 1831.

SIR: The American board of commissioners for foreign missions, at their meeting, held in the city of New Haven, Connecticut, during the first week of October last, after the accompanying documents, and others relating to the Cherokee schools and mission, and the arrest and imprisonment of two of the missionaries, had been laid before them, adopted the following resolutions, among others, viz.:

“1. *Resolved*, That in view of the facts of the case, as now before this board, this board do approve of the conduct of their missionaries, under these trying circumstances.

“2. *Resolved*, That the prudential committee be, and they are hereby directed, to address a respectful memorial to the President of the United States, claiming the protection of the Executive Government for the missionaries, and the property of the board at the missionary stations, among the southwestern Indians; and, at their discretion, to present a memorial to Congress on the same subject.”

In obedience to the foregoing resolutions, I have the honor of transmitting to you the accompanying memorial and documents, which I have to request of you the favor to present to his excellency the President of the United States.

I am, respectfully,

Your obedient servant,

WILLIAM REED,

Chairman of Prudential Committee.

To the Hon. LEWIS CASS,

Secretary of War.

The Memorial of the American Board of Commissioners for Foreign Missions, respectfully sheweth:

That your memorialists, as a benevolent association, were authorized by a letter, bearing date May 14, 1816, from the honorable William H. Crawford, then Secretary of War, to the Reverend Cyrus Kingsbury, the agent of your memorialists, a copy of which is hereunto annexed, to send teachers and missionaries into the Cherokee nation, agreeably to stipulations made by the United States in treaties with the said Cherokees, to erect buildings, to establish schools, enclose lands, and make other improvements for their accommodation. Your memorialists have felt themselves further authorized and countenanced, to proceed in their labors for the welfare of the Cherokees, by the repeated interviews which their agents have been permitted to have with successive Presidents of the United States, and the Secretaries of the War Department; also, by annual reports of the several Secretaries of War, and the messages of the Presidents, made to Congress from year to year, in which the teachers and missionaries have uniformly been mentioned as entering and residing in the Indian country, with the approbation of the Executive of the United States; as co-operating with the Government and its agents in a benevolent and disinterested work, and as being under its patronage. Your memorialists have been further encouraged by the fact that portions of the fund appropriated by Congress for civilizing the Indians, have been annually entrusted to them to expend; and that the annual reports, which the teachers have on this account been required to make to the War Department, have been uniformly approved; and, also, by the decided approbation which has been expressed by officers and agents of Government, who have visited and inspected many of the stations. Your memorialists have been further assured of the countenance and approbation of the Government, by communications which they have received from the War Department, extracts from which are hereunto annexed.

Sanctioned and patronized in this manner, by the Executive of the United States, your memorialists have proceeded in their undertaking; and, during the last fifteen years, have erected buildings and made various other improvements, at eight stations; at each of which, on the 1st of May last, there were schools, with teachers and other laborers, sent out by your memorialists; and at all but one of which, there were boarding schools and agricultural establishments, of a greater or less extent. At these schools more than four hundred Cherokee children and youths have been instructed, for a longer or shorter period of time; three quarters of whom have been boarded, and half of whom have received an English education adequate to the transaction of the common business of life. In sending forth and supporting teachers and other laborers, erecting buildings, making fields, providing agricultural implements and household furniture, in boarding and clothing the scholars, and in other ways for the accommodation of the schools and mission families, your memorialists have expended, for the purpose of instructing and civilizing the Cherokees, in addition to above \$10,000 received from the Government of the United States, for the same purpose, more than \$110,000.

The teachers, and other missionary laborers, continued to prosecute their work unmolested, until January last; when those residing at four of the stations, under the patronage of your memorialists, received a communication, containing a law purporting to have been enacted at the last session of

the Legislature of the State of Georgia, of which the following is an extract:

“And be it further enacted, by the authority aforesaid, That all white persons residing within the limits of the Cherokee nation, on the first day of March next, or at any time thereafter, without a license, or permit, from his excellency the Governor, or from such agent as his excellency shall authorize to grant such permit, or license; and who shall not have taken the oath hereinafter required, shall be guilty of a high misdemeanor; and, upon conviction thereof shall be punished, by confinement, in the penitentiary, at hard labor, for a term not less than four years.”

The teachers and missionaries believed this law to be an unwarrantable extension of the jurisdiction of Georgia over the Cherokee country; to be contrary to the express provisions of the treaties entered into with the Cherokees, to the intercourse law of 1802, and to the constitution of this Union; and that the enforcement of it would be a gross and oppressive violation of their rights as citizens. And knowing that they were demeaning themselves, as good citizens of the United States, they did not feel under obligations to obey this law, but decided to look to the Government of the United States for protection at the stations which they occupied, and in the work which they had undertaken, and were prosecuting, under its sanction and patronage.

In regard to the meaning of the treaties, and laws, and those clauses of the constitution on which they relied, they were confident, and your memorialists are confident, that they could not be mistaken.

In the treaty of Hopewell, November 28, 1785, particularly in article 9, it is expressly stipulated, that Congress shall have the exclusive right to regulate trade and intercourse with the Indians.

In the treaty of Holston, July 2, 1791, the same stipulations are renewed, more in detail, and especially in article 21, a marked distinction is made between being within the Cherokee lands and within the jurisdiction of any State.

In both the treaties above-named, provisions were made, with special care, for preventing white persons intruding on the Cherokee lands, and for punishing crimes and trespasses, committed by citizens of the United States on the Cherokees, or by the Cherokees on citizens of the United States; either by the authorities of the United States, or by the Cherokees, without the slightest allusion to the right of the authorities of any State to interfere in the case, and of course to the exclusion of all such right.

In the treaty of October 2, 1798, the former treaties “are acknowledged to be in full and operative force; together with the construction and usage under their respective articles, and so to continue.” It is well known what the construction and usage had been, and what it continued to be, till within the last two years.

At the close it is stipulated, that this and former treaties shall be carried into effect, on both sides, with all good faith.

In the treaty of October 25, 1805, the first article declares “all former treaties, which provide for the maintenance of peace and preventing crimes, are, on this occasion, recognized, and continued in force.” And additional provisions are made in this treaty, and in that of October 27, for roads, and for the free passage of the United States’ mail, and of citizens. This right was purchased by the United States of the Cherokees; showing plainly

how the two parties understood, and in practice construed, the stipulations of former treaties respecting entering the Cherokee nation, or having intercourse with the Cherokees. State authority, or jurisdiction, is not named or alluded to. In the treaty of July 8, 1817, it is again stipulated, that the former treaties, between the Cherokees and the United States, are to continue in full force; the United States to have the right of establishing factories, post roads, &c. No right of jurisdiction, or of making regulations respecting trade, or intercourse, are named, or recognized as belonging to the States.

None of these stipulations have ever been annulled, or their force impaired, either by counter stipulations between the contracting parties, or by construction or usage, or by the failure of the Indians to perform their part; on the contrary, the manner in which they have been construed forty years, by all parties concerned, shows what is the true meaning, and how the United States, the Cherokees, and the State of Georgia, understood them.

It was, moreover, expressly provided in the Indian bill of May, 1830, that no part of that bill should be so construed as to authorize measures in violation of any of the treaties existing between the United States and any of the Indian tribes.

The intercourse law of 1802, especially sections 14, 15, 16, and 17, gives expressly to the courts of the United States the jurisdiction in respect to all causes arising out of the intercourse of citizens of the United States with the Indians, within the Indian country, to the exclusion of the courts of any State.

But even if the right of jurisdiction claimed by the State of Georgia should be admitted, the teachers and missionaries are confident, as are your memorialists, that they have a right, so far as the authority of any State is concerned, to a quiet residence and prosecution of any lawful employment in the Cherokee nation, according to that clause of the Constitution of the United States, which declares "that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

With the stipulations and provisions of these treaties, and of the intercourse law of 1802, before them, with all the light that has been thrown on their meaning by a course of proceedings, based upon them, and continued unvaried through more than forty years, and under the direction of six different Presidents, the missionaries are confident, and your memorialists are confident, that they could not be mistaken in their conclusion, that the sole and exclusive jurisdiction over the Cherokee country is vested in the Cherokees; that while residing among said Cherokees, they were amenable to no civil or military authority but that of the Cherokees, and that of the United States, as specified in treaties; that all interference of the civil or military authorities of the State of Georgia, or of any other State, would be a gross violation of their rights as citizens of the United States.

But on the 12th of March last, while relying on the protection vouchsafed to them by the Constitution of the United States and by treaties, Mr Isaac Proctor, Rev. Samuel A. Worcester, and Rev. John Thompson, teachers and missionaries at Carmel, New Echota, and Hightower, were seized by a band of twenty-five armed men, with no warrant or civil precept, separated from their families, and forcibly carried to a place called Camp Gilmer, the head quarters of what is called the Georgia guard. After being detained at this place one day, two of them were taken before the superior court of the State of Georgia, then sitting in Gwinnett county, and there

acquitted, on the ground that the law of the State respecting white residents did not apply to those missionaries and teachers of the board, who, having received patronage from the Government of the United States, were, in a sense, its agents. They were all set at liberty, and returned to the peaceable prosecution of their labors, after having been taken more than a hundred miles, and kept a week absent from their families, and under strict guard.

On the 7th of May, Dr. Elizur Butler, superintendent of the school at Haweis, was arrested, and taken from his house by a band of armed soldiers, acting under authority of the Governor of Georgia, and after having been carried ten or twelve miles, he was released.

About the end of May, Messrs. Butrick, Proctor, Worcester, Butler, and Thompson, received letters from the Governor of Georgia, informing them, that if they did not remove within ten days, they would again be arrested. A copy of the letter to Mr. Worcester is hereunto annexed, as are also the replies of Mr. Worcester and Dr. Butler.

On the 23d of June, Mr. Thompson was again arrested at Hightower, the circumstances of which are detailed in the letters of Miss Fuller, teacher at that station, and of Mr. Thompson himself, which also accompany this. Your memorialists request your particular attention to the treatment which this female received from Col. Nelson, commander of the detachment, and the threatened seizure of the mission-house, and what was growing in the fields.

On the 7th of July, Mr. Worcester and Doctor Butler were again arrested by armed soldiers, acting under the orders of the Governor of Georgia. The treatment which they received during the fifteen days that they were in the hands of the Georgia guard, and the hardships and dangers to which they were exposed, are detailed in a letter of Mr. Worcester, which also accompanies this. All this the missionaries and teachers, under the patronage of your memorialists, have been made to suffer, while no other crime was proved or charged upon them, than that of being found where the Government of the United States had authorized them to go, and quietly prosecuting the work which they were, in the same manner, authorized to perform, and for which they have from year to year received the express approbation of the Executive of the United States. They have suffered this, also, your memorialists would add, from a military force acting under the authority of the State of Georgia, in direct violation of that clause of the constitution which forbids any State to keep troops in time of peace. By these troops their labors have been interrupted, their persons seized, insulted, chained, abused, torn from their families in time of sickness, driven great distances on foot, their feelings outraged, their bodies incarcerated, held by the military, the right of *habeas corpus* denied them, and they at length brought before courts to which they were not amenable, and finally subjected to an ignominious punishment in the penitentiary.

Your memorialists would also further state, that the right of property has been invaded. Soldiers, under the authority of the State of Georgia, have forcibly ejected the occupants of the mission-house at Hightower, erected and owned by your memorialists, and have occupied it for quarters for themselves, in direct violation of that clause of the constitution which declares that "no soldiers shall, in time of peace, be quartered in any house, without the consent of the owner." They have appropriated to their own use, or destroyed, household furniture and other property, and appropriated for food or forage the corn and other vegetables which they found in the fields.

They have also asserted a claim to the buildings, improvements, and other property belonging to your memorialists at other stations, and threatened to eject the mission families.

Having thus presented the grievances which the teachers and missionaries under the patronage of this board are enduring, and the dangers to which their persons are exposed, your memorialists pray that the arm of the Executive may be interposed for their protection and deliverance, that they may be secured in the peaceful prosecution of their labors for the instruction of the Cherokees, unmolested by the civil or military officers of the State of Georgia; that as citizens of the United States, they may not be liable to arrest, separation from their families, abuse and imprisonment, by armed soldiers; that if charges are alleged against them, they may be brought to trial before an impartial tribunal, competent to the jurisdiction of the case.

Your memorialists would further pray that the Attorney General may be directed to commence a suit in the court of the United States against the offending officers of the State of Georgia, for their arrest, false imprisonment, and other injurious treatment of the teachers and missionaries, in violation of the treaties and laws of this Union, and of their rights as citizens of the same.

And your memorialists, as in duty bound, will ever pray.

Per order of the board.

WILLIAM REED,

Chairman of Pru. Com.

To his Excellency, ANDREW JACKSON, *President of the U. S.*

ORDNANCE DEPARTMENT,

Washington, November 5, 1831.

SIR: I have the honor to enclose to you herewith, two certificates of inspection for 320 rifles, inspected by Lieutenant Tyler of this department, at the manufactories of Messrs. Derenger and Tryon, on the 2d instant, at the request of the Indian Bureau of the War Department.

I have the honor to be, sir,

Your most obedient servant,

G. BOMFORD,

Bt. Col. on Ordnance Service.

Hon. LEWIS CASS,

Secretary of War.

(*Triplicate.*)

I hereby certify that I have this day inspected and approved *two hundred* rifles, *two hundred* double wipers, *two hundred* bullet-moulds, *two hundred* woollen rifle covers, *twenty* extra nipples, *twenty* plug and nipple-wrenches, *twenty thousand* percussion primers, and *twenty* packing-boxes, manufactured by Henry Derenger, of Philadelphia, on his contract with the Indian Bureau of the War Department, dated the 30th day of May, 1831. And I do further certify, that the said rifles and appendages conform to the model, and are of as good quality and workmanship as the samples, and that they are securely packed in *hoop bound boxes*, and that they are in all things conformable to the contract.

I further certify, that to the best of my judgment, the value of each box should be estimated at *one dollar and seventy-five cents*, and the expenses

of the transportation (when paid) to the Schuylkill arsenal, *twenty cents per box.*

Given at Philadelphia, this second day of November, 1831.

DAN. TYLER,

Lt. and Inspecting Officer.

Of the *two hundred* rifles, *twenty* are percussion, and it is at the option of the department to receive them or not.

DAN. TYLER, *Lt. and Inspecting Officer.*

(*Triplicate.*)

I hereby certify, that I have this day inspected and approved *one hundred and twenty rifles, one hundred and twenty double wipers, one hundred and twenty bullet-moulds, one hundred and twenty chargers, one hundred and twenty rifle covers, and twelve* packing boxes, manufactured by George Tryon, under his contract with the Indian Bureau of the War Department, dated the 30th day of May, 1831.

And I do further certify, that the said rifles and appendages conform to the model, and are of as good quality and workmanship as the samples; and that they are securely packed in *hoop-bound* boxes, and that they are in all respects, conformable to the contract.

I further certify, that to the best of my judgment, the value of each packing-box should be estimated at one dollar and seventy-five cents, and the expense of transporting it (when packed) to the Schuylkill arsenal, *twenty cents.*

Given at Philadelphia, the second day of November, 1831.

DAN. TYLER,

Lt. and Inspecting Officer.

WESTERN CREEK AGENCY, *November 5, 1831.*

SIR: I have the honor to forward to you some vouchers for money, that has been paid by me for the purposes therein specified. The chiefs of the Creeks have been compelled, by the wants of their poor, to spend the greater part of their annuity for clothing for them, and ammunition for their warriors and hunters; this was in consequence of not having received their dues from the Government. This annuity is the first money that they have received since they have crossed the Mississippi, and they have a large amount due them from the Government. There are but few of them that have received the rifles, guns and ammunition, blankets and brass kettles, beaver traps and butcher knives, that have been promised to them; and they are in great want of them, as there are many of them that have not arms to defend themselves against the depredations of the wild Indians or Pawnees; who appear to be at war with every nation.

I was informed while at Washington last spring, that there had been one thousand beaver traps, and as many rifles forwarded to Colonel Crowell, which were intended for these people; and I was in hopes Colonel Crowell would have been ordered to forward them on here before this time. The winter or spring is the most favorable time for them to be sent on, as the Arkansas river is generally navigable at those seasons.

I have the honor to be, sir, with great respect,

Your obedient servant,

JNO. CAMPBELL.

The Hon. LEWIS CASS, *Secretary of War.*

AGENCY-HOUSE, CHEROKEE NATION, *November 7, 1831.*

SIR: Although the Cherokees residing within the chartered limits of Georgia, do not show so general a disposition to enrol and emigrate as the Government was induced to believe they would on opening the emigration, still the enrolling agents are impressed with the belief, that, on mature consideration, about five or six hundred will be ready to set out as early as the 1st of January next, and perhaps many more would have resolved to go along, had it not been for the unpropitious period at which Judge Clayton's decision appeared, giving to the Indians the right to dig gold, which was seized upon by the leading men of the nation as an indication that Georgia would shortly recede with her claims to jurisdiction over the Indian territory, and leave them in the full enjoyment of their ancient rights, and that the next Congress would settle the question in such terms as for ever to put to rest their rights to sovereignty and independence; whilst on the other hand every possible means were employed to prejudice the minds of the common Indians against the country to which it is proposed to convey them. It is, however hoped, that time and the force of truth will finally conquer these prejudices.

* * * * *

The pursuits of husbandry, by the Indian, has been the result of necessity, upon the failure of game and winter range; and nothing can be more obvious to the accurate observer, than that tilling the ground has fallen short of increasing, except on the public roads, in the same ratio that their game has become scarce, or their stock raising pursuits have declined. I visited one of their settlements a week or two since, where was found but one solitary person; all the others, as I was informed through my interpreter, were in the mountains gathering chesnuts, upon which many of them depend principally for a subsistence. Whilst this is the unfortunate condition of some, others barely make out to live, and others again are wealthy, live plentifully; and now and then is to be seen a devout Christian, whose deeds of charity bear ample testimony of his belief in a future state of rewards and punishments.

Those disposed to emigrate do not expect the Government to take their stock, only about one-tenth of which would answer for rations. The Georgia law, which lays the Indian liable to all the pains and penalties, without allowing him the benefit of his oath in courts made up of its own citizens, operates to some extent as an invitation with bad white men to plunder; consequently stock, unless guarded well and driven off when valued, would fall a prey to this description of men, and be attended with total loss to the public, notwithstanding the vigilance of the Georgia guards.

The Cherokees dread the length of time necessarily consumed in passing on board of flat-bottomed boats to the mouth of White river, as they are not accustomed to long voyages, would be liable to contract disease, and after taking time first to dispose of their stock, crops, &c., even if they should escape sickness, would not by this mode of conveyance have time, on arriving at their new homes, to open fields for the next year's cultivation, which they wish to do, in order that when their year's rations shall fail, they may be able to subsist themselves. In order to obviate as far as possible this difficulty, I have taken the liberty to say, where the additional expense would not be too great to the General Government, steamboats would be employed at the foot of the Tennessee shoals.

Very few of the emigrants will be able to remove themselves for the want of wagons and horses, or even to convey their furniture and farming utensils to any points that may be designated for them to assemble at, within their own territory.

Tallony and Ellijay will perhaps furnish, between this and the 1st of January next, one hundred emigrants; these towns lay near the Federal road, about seventy-five miles south east of the agency in the mountains. Hightower town, near the centre of the territory, lying within the limits of Georgia, will perhaps furnish from seventy to eighty. The town of Hickory log, Pine log, Skin town, and Salacoa, will probably furnish another hundred.

Cona Sauga may be expected to furnish from one hundred to a hundred and fifty, and the balance making ready to depart with the first emigrants, are scattering; provisions will be needed in all probability to subsist them from their respective homes to the places of embarkation. All who have enrolled and all who expect to do so, look for the pay for their abandoned improvements before they embark on board of the boats; this, indeed, has been made by them an indispensable prerequisite, for the reason that they are in debt, and wish to have the means of settling all claims against them before their departure, as also on account of the alleged delay encountered by the former emigrants in getting pay for their abandoned improvements. It is believed, that to call the assessors into service now, and pay for such improvements as have been recently relinquished, would have a salutary effect upon our operations here. For the Indians to be delayed here after having their property valued, until returns are made and approved by the department, would be an additional obstacle, marring the progress of emigration, because there are very few but who wish, as early as possible, after subjecting themselves to the odium consequent upon enrolment, to get beyond the frowns of their neighbors and out of the reach of private injury to their person or property, as well as to reach their new homes in time to open fields for the next year's tillage. To save delay, might not the valuations by the assessors undergo the approval of Colonel Hugh Montgomery or Charles Gates, esq., the latter of whom could be appointed to perform that duty as well as to aid in enrolling, with much advantage to the Government; his character stands fair with the Indians as well as the whites, and no man can be named who would have more influence with the Cherokee tribe, or in whom they have more unlimited confidence, apart from the most popular chiefs of the nation; and let the payments be made by requisitions from him upon the agent. I would not make this suggestion were I not satisfied it would facilitate the business without being attended with loss to the General Government. By a speedy, energetic, and harmonious system of operations, much may be looked for even this fall and next spring; a state of things which the chiefs could not behold without being forced to treat upon terms advantageous to their people, and acceptable to the cabinet.

Judge Martin, Mr. Coody, and Mr. Ridge, have been appointed by the late council sitting in Alabama, to visit the city during the next session of Congress. Should they by this visit, fail to realize the flattering promises held out to the common Indians of late by the chiefs, their influence, and with it their power, which is almost absolute, must fail. In the mean time, in order to insure a treaty on acceptable terms, all that can be done to subvert their power, or cause them to distrust their own influence, should be

speedily accomplished; and with a view more effectually to succeed, permit me again to speak of the propriety of employing, under the authority that is given me by the department, at a salary not exceeding four dollars per day, secret agents from amongst the most influential of their own people, unconnected with the Indian government, to be paid in proportion to the service they actually render; for by this means alone can the ear and attention of one half of them be gained to that subject, involving their dearest interests. Should a set of circumstances transpire to shake the confidence of the Indians in their chiefs, which we confidently look for, there should be blankets and kettles in proportion to the thirteen hundred rifles now on hand at the agency. The proportion should be four blankets to the rifle, there being on hand eleven hundred and fifty blankets, and two hundred and fifty brass kettles; the proportion of kettles should be four to every five rifles. McKenny's tin kettles, which have already cost so much for carriage, the Indians object to; perhaps it might be well to dispose of them otherwise. It was necessary that each enrolling agent should have an interpreter of good character.

On sending Mr. Miller back to the agency I employed Moses Paris, a Baptist minister, formerly a member of the council, at one dollar per day, the Government paying his expenses, and he finding his own horse; on the same terms have interpreters been employed for Mr. Thornton and Dr. Reese.

The agent informs me that no arrangement has as yet been made to supply the necessary funds for defraying expenses unconnected with the commissary's department. Without money at immediate command, but little can be done with a people who have so long been taught to dislike and distrust Government officers—it is as absolutely necessary in this business as force is in propelling a vessel up stream. Is it understood by the department that the assistant enrolling agents should bear their own expenses out of their per diem allowance? Do they draw for their pay on the department, or should I draw in their favor on the agent? and in the same manner for the allowance and expenses of the interpreters?

The winter season will be setting in shortly, and the Indians will at least want their blankets and kettles before they leave their homes; a branch of the agency should therefore be established to furnish these articles, if not the rifles also, in the centre of the Georgia territory; there is a recently relinquished place, now occupied by the Georgia guards, near the town of Hightower, from which these articles could be furnished to the emigrants.

Do I understand the eighth article of the treaty of 1828, when, after enumerating the offers held out, I say, in addition, on your arrival at the agency west of the Mississippi, and reporting yourselves as emigrants and permanent settlers from within the chartered limits of Georgia, you will be entitled to, for four persons taken along, \$50, and in the same proportion for any greater or less number, although moved at the expense of the Government? The payments for abandoned property should not be generally made before they meet at the place of embarkation, and authority should be given to some one (either myself or the agent) to coerce their departure, after receiving any part of the allowance offered to such as enrol; whilst, on the other hand, they should be protected from the approaches of bad men, who always flock to the ignorant, but easily deluded money-holder, with views discreditable to humanity. The reasons of this proposed coercive power proceeds from the fact that there are now, in different parts of the nation, many Cherokees

who formerly enrolled, and have long since received pay for the improvements on which they now live. To guard against such abuses in future this power should be deposited somewhere, and exercised whenever such an emergency calls for it. Upon giving bond with approved security to abandon for ever the Indian territory east of the Mississippi, would it be proper to have places valued and paid for within the chartered limits of Georgia? There are a few who on these terms would relinquish without being compelled to go to Arkansas. There are others residing within the other States disposed to swap places with some who live in Georgia, in order to avail themselves of the offers of Government. This I have told them would not be objected to, as the policy of the Government was as fast as possible to extinguish the Indian title within the limits of that State. There are also many who would go from Georgia, if their *relations*, residing within the other States, could be taken, and paid for their improvements, who have it not in their power to exchange homes with the same number of Georgia Indians, as the nation is weakened either by emigration from Georgia or the other States; provided the abandoned places can be tenanted by whites, those who have had power, and now have influence, will become uneasy, and thereby be the more readily prepared, as it becomes their interest, to follow their brethren who have gone west, and take as many of those remaining as can be influenced to go along with them. The proper points of collection for embarkation and receiving pay for abandoned improvements, for such as live above a certain line, from north to south, through the Georgia territory, is the agency, where there should be rations for 300 for sixty days; and at the mouth of White river for the same number for fifteen days; and at Tusculumbia, Alabama, rations for 400 for twenty days; from whence it is proposed to take this body in steamboats all the way, if, upon a more accurate calculation, it should not be likely to cost too much.

Flour can be had in East Tennessee, and floated down Tennessee river to the above name points, at \$4 per barrel.

Corn can be had at \$1 per barrel, and beef at \$2 50 per hundred; pickled pork, at from \$3 to \$4 per hundred.

It is expected the Legislature will pass a law early this session, allowing settlers, who may get peaceable possession of Indian improvements, to occupy for one season rent free. Such an arrangement would increase the number of emigrants this fall, by enabling them to command a fair price for stock, crops, &c., &c.

Should it be found impracticable for the Government to effect a treaty this winter, would I be justified in allowing men of great influence a valuable consideration for their interest in the country, in addition to the value of their improvements. There are six or seven leading men within the chartered limits of Georgia who, could even a part of them be induced to enrol and join heartily in opening the eyes of the rest of their countrymen, would break up the nation this side of the Mississippi. They might be approached by particular persons, and perhaps won by enjoining secrecy; this should be allowed after all other means have failed; for, after travelling over this country, and seeing the situation of most of the Indians, I am fully persuaded no true philanthropist could desire to see them any longer resist the offers of Government; and by the magic influence of money alone can any be procured to let the Indian know his real situation; on the other hand every thing is done to blind him to his interest. They have been persuaded that the President will not suffer the Georgians to run out and settle that part of their

country, composed of woodlands. Gov. Gilmer has not, and I am advised Gov. Lumpkin will not, urge such a measure this session; but, it is said, this will be recommended the next session, and perhaps done at all hazards. For the sake of the Indian, as well as for the character of a sister State, I pray they may first be induced to go to the west. Would the assessors be justified in appraising all the property of such emigrants as reside within the chartered limits of Georgia, but have improvements on different sides of the line?

I have no word as yet of the commissary.

Permit me again to urge the importance of an immediate arrangement to supply funds to answer all the exigencies that may arise connected with this business.

Should any additional instructions be considered necessary upon the receipt of this communication, be pleased to send them to the care of the agent with directions to forward them to me as speedily as possible.

I have the honor to be, sir, most respectfully,

Your very obedient servant,

BEN. F. CURREY,

Superintendent of Cherokee Indian removals.

ELBERT HERRING, Esq.,

Bureau of Indian affairs.

P. S. Allow me again to call the attention of the department to the question whether the Indian horses can be conveyed at the expense of the Government. This question, with many others in the body of the foregoing, requires the earliest possible attention. Their own negroes I have decided may be taken on board and rationed on their passage.

BEN. F. CURREY.

INDIAN AGENCY, COLUMBUS, OHIO, Dec. 8, 1831.

DEAR SIR: I wish to obtain permission to visit Washington, for the purpose of settling the affairs of this agency.

Since my appointment, I have disbursed a considerable sum of money, and I have not since that time had an opportunity to settle my accounts; I therefore feel anxious to close them, and to ascertain whether the department is satisfied with my proceedings before the duties of the next summer commence.

I am, at this time, engaged in settling the affairs of the agency for the third quarter, and in making out my several reports, showing the disbursements within the same, that have not heretofore been reported; and it grieves me much, that I have not been able to make my reports, before it became necessary for the head of the department to make his annual report to Congress; but owing to severe indisposition, which I have not recovered from, and other embarrassments, rendered it out of my power to do so.

In my letter of the 15th ult., I stated that I had purchased seventy or eighty dollars worth of rifles for the Senecas; but on a further examination, I find they cost eighty-nine dollars and twenty five cents. I deem it proper at this time, to state particularly to the department the cost of the rifles, before directions are given to carry that part of the treaty relating to rifles into effect, as the sum aforesaid ought to be deducted from the original amount appropriated for the purchase of rifles.

It is unpleasant to me to enter complaint against any one; but still, I think I would be neglecting my duty did I not report the conduct of Mr. Brish, the Seneca sub-agent. He has, ever since his return from Washington with the Seneca chiefs, assumed the whole management of the Seneca tribe; and he has also, since that time, opposed or treated with neglect, almost every order I gave relating to Indian affairs, especially those relating to the removal of the Senecas; and throughout the whole summer, it appeared to be his determination either to have the sole management of them, and their removal, or throw such obstacles in the way that no one else could remove them; and for the purpose of more fully accomplishing his object, he put it into the heads of the chiefs to ask more favors than he knew I was authorized to grant; and he held out an idea to them, that if funds were placed in his hands for their benefit, that he would be more liberal towards them, &c., &c.

Whether Mr. Brish was, or was not promised while at Washington, that he should thereafter have the whole control of the Senecas, as well as their removal, I know not; but he says he was, and he has frequently, without any hesitation, openly stated that the department had failed to fulfil its promises to him, and that the Seneca chiefs had also lost their confidence in the Government, as the promises made to them at Washington had not been, nor were they likely to be fulfilled.

Early last spring, I had an interview with the Seneca chiefs, and set the time for their removal towards the latter part of August, or at furthest, the first of September, and requested Mr. Brish to use his endeavors to have every thing in readiness by that time. But, when the time arrived, no preparations were made; so the time was put off and put off, by Mr. Brish and the chiefs, until near the first of October; and indeed, at that time, little or no preparations for their journey were made, not even all their loose property disposed of, notwithstanding Mr. Brish had been directed to sell it in the forepart of June. After I became satisfied that Mr. Brish had and would secretly oppose the removal of the Senecas, if their removal was not pretty much left to him, I came to the determination to lay all other business aside, and to remain among them until they left the country, and gave them to understand my intentions; but to my disappointment, when I came to their village, all but one of the chiefs of the party about to remove by water were at New York, and almost every individual of the tribe refused to remove until their return; but, being determined not to be foiled in my undertaking, I commenced operations, and after feeding and coaxing them for several days, I at length prevailed on one family to move forward, then another, and so on, until I got almost all the land party, about one hundred in number, as far as Lewistown, seventy-five or eighty miles. I then prevailed on upwards of thirty of the other, or water party, to go to that place, and to remain there until the balance would come up. This was done for the purpose of drawing the balance of the tribe after them on the return of the chiefs; all which was attended with trouble and expense. I will not say that Mr. Brish was to blame for the absence of the chiefs when I calculated to remove them; but I do say, if they had business at New York, that he ought to have got them to attend to it earlier in the season.

I had no fears, (however, afterwards I had doubts,) when the land party were on their way, but I would at length succeed in removing the whole tribe, provided the chiefs of the other party returned before the weather became too cold to undertake the journey; but still, to be sure to accomplish the object before me, I concluded to remain at Seneca, and to have every

thing in readiness to move forward the moment the chiefs arrived; but, in a few days after the land party had gone, I received information that it was becoming restless, and that, if some one of their agents did not immediately attend to them, they would scatter. On receiving this information, I knew not what to do, as the chiefs had not yet returned. I however at the same time was well convinced, if I succeeded, that the party already at Lewistown ought not to be neglected; at the same time, I disliked to leave the Indian settlement before the return of the chiefs, and to entrust the removal of the party still back entirely to Mr. Brish, and particularly the funds to defray the expense of the party, as I judged from his actions that he was badly qualified to expend them to advantage. I therefore concluded to remain until I cleared the reservation of Indians, provided I could obtain the consent of Mr. Brish to attend to the party at Lewistown; but, when I made my views known to him, he positively refused. I therefore had no choice left, and was compelled to give Mr. Brish his, and to advance him funds to bring on the party aforesaid, near two hundred in number; but, before I left him, I requested him to remain in the Indian settlement, and to be prepared, and not to make a moment's stay after the chiefs got home: but, above all, to be cautious in expending the public funds unnecessarily: but notwithstanding I requested him to remain at Seneca, &c., to my surprise, in a day or two after I arrived at Lewistown, and settled the difficulties there, Mr. Brish also made his appearance, and went and remained with the chiefs of the land party all night; and the next morning, to my astonishment, the chiefs called on me for fifteen or eighteen more horses, saddles, bridles, &c., &c., and refused to proceed if their request was not granted. This visit of Mr. Brish was the cause of much trouble and expense.

After Mr. Brish returned to Seneca, I understand that he rented out the Seneca improvements for his own benefit; and, after considerable delay, put his party in motion, and instead of employing eight or ten wagons, which I supposed sufficient to take it to Dayton, he employed twenty-five, and went to other unnecessary and similar expenses. He had also three or four assistants with him; but whether under pay, I know not.

The party gone by water ought not to have cost but trifling compared to the land party; as they, after they set out, were compelled to go ahead. Not so with the other: they encamped when and where they pleased; and at every Indian settlement, three in number, they halted for several days, as they said to bid farewell with their friends. These delays were very expensive, as they had to be fed as well as the visitors, which could not well be avoided; as I feared, if any thing was said on the subject, that it would be considered by the Indians as illiberal not to feed them when they had called to bid their friends farewell, and might prevent the Wyandots for some time from selling their lands; and that it might operate to the prejudice of those who had sold, and might be the cause of souring their minds, and to rue their bargain, as I knew they had been advised not to stand to their treaty.

The foregoing is a few of the difficulties I have had to encounter the past season; but throughout the whole duties of the summer, which have been many and arduous, and with all I have had the chill and fever almost ever since the first of August, I have done the best I could, or could do again under similar embarrassments. At best, the removal of Indians is a diffi-

cult, tedious, disagreeable, and responsible business; but all these can be increased tenfold by designing wicked men.

I am, very respectfully,

Your most obedient servant,

JOHN McELVAIN, *Indian Agent.*

To the Hon. LEWIS CASS,

Secretary of War, Washington City.

INDIAN AGENCY, GREEN BAY, *November 8, 1831.*

SIR: Instructions communicated to me from the War Department, under date of April 21st, 1831, directing the performance of certain duties, relating to the treaty entered into between the United States and the Menomonie tribe of Indians, on the 9th day of February last, require that I should "*traverse the country ceded for the benefit of New York Indians, and by observation and information, endeavor to ascertain the quality and condition of it, that the Senate at their ensuing session may be fully informed of its capacity to sustain their population, and of its capability to administer to their wants in all agricultural purposes.*" These instructions further say, "*it is desirable that a partial examination be made of the lands ceded between Lake Michigan and Green bay;*" and add, that, "*any survey of the country will be useless and unnecessary until the treaty be ratified; a general view of it, its situation, soil, and capacity for those who are to inhabit it is all that will be necessary, and to these it is requested you will give your attention in the examination to be made, that the Senate, when they come to act upon this long contested matter, may thoroughly comprehend the whole grounds of controversy, and be able definitely to adjust and settle it.*"

I have the honor of informing you that the duties prescribed by the above instructions, have been performed; and as the "controversy," which has given origin to the proposed examination, has assumed an imposing attitude, and has become of serious importance to the Government, I have quoted my instructions thus copiously, for the purpose of showing that I have not transcended the powers they convey, by the latitude I have found it necessary to take in the prosecution of my investigations. It would be entirely impossible to place this "long contested matter" before the Senate, in such a form as would enable that body to "thoroughly comprehend the whole ground of controversy," by a brief geographical sketch of the country "ceded by the Menomonie treaty." I have, therefore, applied all the means within my power to obtain a full and correct understanding of the subject matter of this dispute; and have embraced the result of my inquiries, relating to the original cause, commencement, and progress of the controversy, in my report to you of the 14th of August, to which you will find it necessary to refer in examining this communication. That report exhibits all the testimony upon which each party relies for a favorable judgment, and when considered, in connexion with the facts contained in this communication, the object contemplated by the spirit of my instructions will, I trust, be accomplished. In this letter, I have deemed it expedient to give, first, a general view of the whole country claimed by the Menomonies; describe the situation of the *Green Bay settlement*, as a point from which we can understandingly approach the different boundary lines of the disputed territory; an

then detail the particular facts relating to it, which I have been able to collect by a careful and laborious examination. With these preliminary remarks, sir, I submit, with due respect, the following report for your consideration; and request that it may be laid before the Senate of the United States in any manner or form you may deem most advisable.

The country claimed by the Menomonie tribe of Indians lies within the bounds of the contemplated Territory of Huron. As an agricultural and commercial place, it may be with safety said, that it will occupy the most central and important part of the new Territory, and must naturally be the first to attract the attention of emigrants intending to engage in those pursuits. It is bounded on the east by Lake Michigan, on the south by the head waters of Winnebago lake and the Rocky and Manywaukee rivers, on the west by the Wisconsin, Chippewa, and Black rivers, and on the north by the Chippewa country, in the direction of Lake Superior. The quantity of land, within these boundaries, may be fairly estimated at *eight millions of acres*. And I believe it is not presuming too much to say, at least two-thirds of it is fit for cultivation, and offers attractions to the agriculturist rarely to be found in any country. The *soil* presents every indication of great fertility; it appears generally to be a mixture of brown loam and marl; is very deep, and wherever its properties have been tested, has been found uncommonly productive. The whole country is beautifully supplied with water from lakes, rivers, and innumerable small creeks, and, with the exception of several extensive and valuable prairies, it is covered with a heavy growth of oak, hickory, maple, cherry, beech, lynn, bass, cotton, butternut, elm, ash, and pine timber. Indeed it abounds with all kinds of wood of the best quality, used for cabinet and other work, except the black walnut and chesnut, which is very scarce, if to be found at all in the country. The hydraulic privileges are very valuable; there are some of the finest mill-sites on several streams emptying into Green bay that I have ever seen, both as it regards economy in constructing the necessary improvements, and the ease with which they can be approached from the surrounding country. The *seasons* are warm enough for all kinds of agricultural purposes; and the climate is remarkably healthy.

Green bay is a handsome sheet of water, and is generally very deep; it is ninety miles in length, and from *five to twenty five* in width. It may be properly called an estuary for Fox river, which it receives at its head or southwestern extremity, and then runs a course northeastwardly to Lake Michigan, which it enters about one hundred and twenty miles south of Mackinac, and about two hundred and fifty miles nearly north from Chicago. This bay is navigable for steamboats and schooners of any tonnage that can be brought on the lakes, to the entrance of Fox river, and up this river about six miles. There are a number of valuable islands on the bay, and it abounds in harbors, equal to any between this place and Buffalo, in ease of access and safe anchorage. The channel is wide and strongly marked, until near the mouth of Fox river, where it becomes somewhat crooked, but can always be found without difficulty or the least danger.

“Green Bay settlement,” in the township of Green Bay, is the seat of justice for Brown county, and is situated immediately at the head of the bay, in 44° 40' of north latitude, and 87° of west longitude. It embraces a tract of country commencing at a point about half a mile above the entrance of Fox river, and extends up and along the river, on both sides, six miles, running back on each side three miles, so as to form a square containing a town-

ship, or twenty-three thousand and forty acres of land. This tract has been confirmed to individual claimants under acts of Congress, passed in the years 1820, '23, and '28. There are about an hundred dwelling houses scattered over the settlement, nearly an equal number on each side of Fox river, (which runs a northeast course through the centre of it,) but none of them are above four hundred yards distant from its margin. The land is not cleared at any point more than half a mile back from the river; and I have estimated the whole quantity of land cleared and under any kind of cultivation, within the confirmed claims, at *two thousand five hundred acres*. The remainder is a wilderness. There is, perhaps, the greatest quantity of land under cultivation on the west side of the river, and certainly the best crops are raised on that side; but the farming is entirely different from what I have been accustomed to see. The inhabitants are principally Canadians, who came to the country as traders or voyageurs, and are but indifferent cultivators of the soil. The few American citizens located here, have heretofore, generally, been engaged in the Indian trade and mechanical occupation. None of them, until within the last two years, had turned their attention to farming; but they have already received convincing proofs of the fertility of the soil, and its adaptation to the growth of wheat, rye, corn, and clover, as well as to vegetation of every description. *Vegetables* of a root kind, especially potatoes, beets, and turnips, are produced in surprising quantities; and I do not believe they are equalled in size or quality by the growth of Pennsylvania or New Jersey.

There is but one grist mill in the Menomonie country, or, indeed, within several hundred miles of it; and it is so badly constructed that it can do but little business. It is located eighteen miles above the settlement, on Fox river, at the rapids, called the "Grand Kackalin;" and is on a confirmed claim, occupying near a mile square, which is the only claim confirmed to citizens, in the Menomonie country, besides those I have described as constituting the Green Bay settlement. In consequence of being thus destitute of the means of having their grain manufactured into flour, the great bulk of the wheat raised by the inhabitants, is used for feeding cattle, and and the flour required for the sustenance of the population is principally brought from the mills in Ohio, bordering on Lake Erie. The quantity of this article consumed here annually, does not fall short of fifteen hundred barrels, exclusive of the supply imported for the use of the garrison, and for the Indian department.

Fort Howard is located on the west bank of Fox river, less than a mile above its entrance into Green Bay. It occupies an elevated and commanding position, which, by a curve in the course of the river below, gives it entire command over the pass, by water, to and from the settlement. The ground occupied by the garrison is within the boundary of the confirmed claims, and the fort stands about half a mile above the lower line of this boundary. The law of 1828, confirming these claims, has a proviso reserving a quantity of land sufficient for military purposes; and the surveyor employed by the Government to fix the boundary lines, did not make a survey of the land in the vicinity of the fort, in consequence of instructions to that effect, founded upon the above reservation. Notwithstanding the prohibitions of the law, however, plainly as they are expressed, the inhabitants erected numerous small buildings on this reservation, which have generally been converted into grog shops, and are a very great annoyance to

the garrison. This subject, I have understood, has frequently been urged upon the attention of the department, and I think it worthy of serious consideration.

I have now given you a concise geographical sketch of the Menomonie country generally, and have attempted to add a statistical view, more particularly of the Green Bay settlement. I have thought this necessary to enable those who may examine the provisions of the Menomonie treaty, to form a more correct idea, and perhaps a better estimate of the country which it cedes to the United States, and of the advantages offered to those for whom it provides, than if I confined my description alone to the ceded territory. History has yet taken but little notice of this country, or I should not have presumed to adopt this course; nor would I have done so if this communication was intended for your consideration only, as I am aware that your knowledge of the country is too accurate to be improved by any history of mine. I will now proceed to exhibit to you the present location of the New York Indians, who have removed upon the land they claim from the Menomonies, under their treaty stipulations of 1821 and '22; and will then give you a particular description of the country, provided for them by the late treaty, in accordance with my instructions.

The whole number of *Nautaways*, or New York Indians—men, women and children—who have emigrated to this country, and are now settled here, is, according to their own estimate, *five hundred and ninety-eight*, exclusive of about twenty Brothertown Indians, who came here this fall. Of this number, the Oneidas claim 365; and the Stockbridges, including some Munsees who have joined their tribe, claim 232. These, with the *Rev. Eleazer Williams*, a half-breed of the St. Regis tribe, compose the body of the New York Indians settled in the Menomonie country, who have occupied no ordinary share of the *attention* and *funds* of the Government, for the last ten years. At least 210 of the above number, too, came here, during the summer of 1830. The Stockbridge tribe is located on the east bank of Fox river, at the Grand Kackalin. Their improvements commence about the middle of the rapids, and extend up and along the river to the Little Chute, distance of about three miles: and there is one building commenced on the margin of the river two miles above the chute. They have erected, altogether, about forty-five buildings, intended as dwelling-houses—generally very ordinary log huts, except the mission-house, which is a large frame building, situated on the bank of the river, near the head of the Kackalin. They have also erected, and have in operation, at this end of the settlement, a very indifferent saw-mill, which does but little business, although water privileges in the vicinity are immensely valuable. In addition to these improvements, they have a school-house and smith shop. I have not accurately ascertained the quantity of land these Indians have under cultivation; but it is evident that they farm better than the French inhabitants, at Green Bay, and raise much better crops. They have satisfactorily established the character of the soil and climate for the growth of winter wheat, by the excellence of their crop the last season.

The principal Oneida settlement is on the west side of Fox river, at Duck creek, a fine stream emptying into Green Bay, three miles below Fort Howard. Their improvements are spread over an extent of country about two miles in length, and two-thirds of a mile in width. They have two hundred and thirty-seven acres of land cleared and under cultivation; upon which are erected thirty-three small log dwelling-houses. They have also

a saw-mill, which has just been finished and put in operation; and the frame of a grist-mill, with a very neat church and school-house commenced. The saw-mill is the lowest or most northerly improvement in the settlement. It is about eight miles above the mouth of Duck creek, which, at this place, runs nearly a parallel course with Fox river, and their settlement is about the same distance from Fort Howard, in a northwest direction. The land cultivated by the Oneidas, at this place, is of the best quality. The soil is a dark loam mixed with limestone gravel; is very deep, and has proved itself exceedingly productive. They have not yet raised any wheat or rye, but their corn, potatoe, and turnip crops, are excellent. Their crop of corn this season yielded fifteen hundred bushels. At this settlement, there are two hundred and seventy-nine of the Oneida tribe located. The remaining eighty-six are settled on the east side of Fox river, above the Little Chute, adjoining the Stockbridge settlement. They commenced their settlement at this place in the summer of 1830, and have now ten houses erected, scattered over a space of two miles along the margin of the river. The distance from this settlement to that on Duck creek, is at least twenty-four miles, and the Indians have but little intercourse with each other, although they have heretofore been considered as belonging to the same tribe. The majority of those settled near the Little Chute, are *half negro*, and are connected, by marriage, with the Stockbridge tribe, with whom it is supposed they will shortly unite, and hence dissolve all connection with the Oneida tribe. *Eleazer Williams*, the representative of the St. Regis Indians, has his location on the west side of Fox river, at the *Little Kackalin*, ten miles above Fort Howard. He is united by marriage to a daughter of one of the French settlers at Green Bay, and when he happens to be in the country, which is very seldom, he resides principally at the house of his father-in-law, and rents his house at Little Kackalin to a tenant. In this situation it is at present.

There has been no settlement made here by any of the New York tribes, claiming under purchases made from the Menomonies, other than those I have mentioned. About twenty of the Brothertown tribe arrived here this fall, and have commenced a settlement at the Little Kackalin, on the east side of Fox river; although by going directly across the river, a distance less than two hundred yards, they could have settled upon the land set apart for them by the treaty made last winter. I advised them to do so, on account of their own comfort and safety; and strove to convince them that "their conduct in settling upon this land, in direct opposition to the provisions of the treaty, which had already received the sanction of the President, and had been laid before the Senate, would be construed into a disregard for the authority of the Government, and might be prejudicial to their interests." They replied that they "had their own *counsellors*, and would settle where they pleased, on any of the land which had been obtained originally from the Menomonies, by the New York tribes, and which *they* afterwards had purchased." They are now erecting huts at that place, and appear determined to retain their position. The principal Menomonic chiefs have earnestly demanded the removal of the Brothertowns. They appeared much exasperated at first, and it was with some difficulty they could be restrained from using force to remove the intruders. I assured the Menomonies that the removal of the stranger Indians upon this land, would not impair their treaty stipulations with the United States, nor diminish the kind feeling entertained towards them by the Government; but that, should the treaty be rati-

fied by the Senate, all its provisions would be carried into effect. With this assurance, the chiefs left me apparently satisfied; although some of their finest sugar camps are on the land occupied by the Brothertown Indians, which will be much injured, if not entirely destroyed by their settlement.

Having now, sir, exhibited the *present* location and condition of the New York tribes, who have emigrated to this county, in a manner which I trust will enable you to form a correct opinion, relative to their change of position, by comparison, I will proceed to give you a description of the country, provided by the treaty, for their permanent homes. The information I have the honor of communicating to you, may be found deficient in geographical description, but I can vouch for its correctness, and I trust you will find it intelligible.

The country allotted by the agreement between the United States and the Menomonic tribe, for the New York Indians, lies on the west side of Fox river and Green Bay. It contains, as near as I can compute the quantity of land without a survey, *five hundred and seventy thousand acres*. The boundaries of this country, as defined by the treaty, are pretty accurately laid down on the *map*, which will accompany this communication. The upper line, at the "old mill dam," near the head of Little Kackalin, is about eleven miles *above* Fort Howard. This is perhaps the most valuable mill site on Fox river, not only on account of the powerful head of water which it commands, but in consequence of its being on the first rapid of any importance above the settlement, and nearest to the head of ship navigation. The line leaves the river at this place, and runs back a northwest course forty miles; and thence, a northeast course about eight miles to Oconto river; thence, down the Oconto to its entrance into Green Bay, which is about *thirty-two miles below* Fort Howard; thence, up and along the shore of the Bay, and Fox river to the place of beginning. Thus you will perceive that the country selected for the New York Indians, is in the immediate neighborhood of the Green Bay settlement, and borders on the bay and river upwards of forty miles, including the short distance occupied by the confirmed claims, and that reserved for military purposes. The country above the settlement bounding this tract, presents a picturesque, rich, and inviting appearance. The banks are high, but easy of ascent, and contain building sites, equal in beauty, and much resembling those of the Hudson river. In some places, the ground rises to an elevation of eighty feet above the surface of the water, and continues at the same elevation several miles back from the river, through fine oak openings, and extensive natural meadows, perfectly level, of apparently the richest soil. About a mile *below* the "old mill dam" or upper line of this tract, the high ground recedes several hundred yards from the river, along a distance of above half a mile, leaving a fine rich meadow on its banks of several hundred acres. The house of Eleazer Williams, of the St. Regis tribe, is erected on this meadow, and consequently he has a territory of a *mile in width*, between his location and the upper boundary line of the cession. This part of the country will be valuable to these Indians, not more on account of its advantages, and desirable location than the excellence of the soil, and the ease and cheapness with which the finest farms can be cultivated.

The boundaries of the country, provided for their future locations, also entirely encompass the *Oneida settlement*, on Duck creek. The line running back from the "old mill dam" passes the settlement at least six miles west, and south of the extreme point of their improvements in this direction.

This tribe, therefore, surely ought not to complain of the location made by the treaty; nor can I believe they would do so, if left to the exercise of their own judgment. The land on the borders of Duck creek is of a superior quality. A high limestone ridge passes through the settlement, dividing a small branch from the main waters of this creek, upon which the soil will compare for depth and richness, with any land in the country. This ridge extends in a westerly direction, towards Wolf river, between the branches of Duck creek, and has an extensive, fertile, and beautiful valley on each side, which bears a heavy growth of valuable timber. Where it crosses the upper line of the cession, northwest from Little Kackalin, it must be about ten miles from the river; and at a point opposite the Grand Kackalin, the distance of the ridge from the river, is about fifteen miles. The land in this direction rather improves in appearance; and I presume continues equally good for thirty or forty miles. Opposite the "Little Chute," twenty miles back from Fox river, there is a delightful tract of country; the land inclines to a rolling cast, and is covered with red, white, and black oak, and the most beautiful groves of sugar maple, without any under-bush.

There are several strips of the land, occupying the intermediate space between Green Bay and Duck creek settlements, that are low and marshy, and are so thickly covered with under-bush as to render clearing very laborious; but, there is, also, within this space, a large quantity of high, rolling land, of the richest soil; and one extensive ridge is covered with a grove of pine trees, of a large and handsome growth, which, from its location, must soon be immensely valuable to the future owners of this country. Duck creek, at its mouth, is a still, sluggish stream, about two hundred feet wide. The land, in the vicinity, in consequence of the water from the bay rising to its level, has a marshy appearance, and the soil, in some places, may be called alluvial; but the prairies thus formed, bear a luxuriant growth of fine grass, and are very valuable. These, and other prairies surrounding the Green Bay settlement, supply the inhabitants with all the hay they feed to their cattle. Between three and four miles above the mouth of Duck creek, its waters become rapid, and the banks high, which character it retains until it passes far above the southwest boundary of the country given to these tribes. The bed of the creek is a flat limestone rock; and just below the Oneidas' mill, it is covered with smooth limestone flags, five and six feet square, having the appearance of artificial preparation. The mill is erected on the east branch of the creek, and receives the water immediately from the dam through a wooden flume, between thirty and forty feet in length. There are fine groves of pine, convenient to this mill, on both sides of the creek; and the land is composed of a dark, rich, mellow soil along its margin, until within a mile and a half of Green Bay, where it becomes swampy. North of the Oneida settlement, there are some cedar and tamarach swamps; and the land is not generally, perhaps, so good for agricultural purposes as that in its immediate vicinity; but the fine streams of water to be found in approaching the Oconto, affording the best of mill privileges, with the immense forests of white and yellow pine on their margins, will render this portion of the country of great value to these tribes, if they choose to avail themselves of the advantages thus offered. There are thousands of acres forming these pineries, covered with trees of towering height, and averaging from three to four feet in diameter.

Between Fort Howard and Oconto river, there are, besides Duck creek, four considerable streams emptying into Green Bay. Pa-shu-kei, or Goose

creek, is the largest of these streams, and is twenty-four miles below the fort, and eight above Oconto, by the course of the bay. There is a saw-mill on this stream, erected by a citizen of Green Bay, about one mile and a half above its mouth, which is occupied at the will of the Government. A short distance above this mill, there are fine oak openings, called the "Oak Orchards;" and a ridge of very rich land stretches from the creek towards Oconto. Near the mouth of the creek, at the bay, there is a considerable tract of rich prairie land.

The *Oconto river* is a large, deep, powerful stream, and bounds the country given to the New York tribes, on the north, about forty miles. At its mouth, or entrance into Green bay, it is about two hundred yards wide. There is a bar extending across its entrance, over which the water is only about three feet deep; but the channel can be cleared with very little trouble or expense; and after passing the bar into the river, the water is twelve feet deep. This depth continues for several miles, and the river can be navigated, in high water, with schooners of an hundred tons' burthen, a distance of ten or twelve miles. There are extensive prairies on both sides of this river at its mouth, upon which grass of a remarkably nutritious quality grows very luxuriantly. The meadows on the upper side, which are within the Indian cession, contain, probably, two thousand acres, and must at once be very valuable for grazing or hay making. In the vicinity of these meadows, and at a short distance up the Oconto, the ground is on a level with the bay, and is wet and spongy; but it soon retrieves its character, and rises into fine, dry prairies, and high rolling land, covered with a heavy growth of hard timber. The first rapids on this river commence about fourteen miles above its mouth; and about ten miles further, by the course of the stream, which is very serpentine, there are perpendicular falls of about *fifty feet*, over a ledge of limestone rocks extending across the river. The stream at this place is about seventy yards wide, and dashes with great impetuosity for a mile and a half below the falls. Immediately under the fall, the water forms a whirlpool, in a basin, which is about twenty feet deep. The whole formation of this cataract, and the wild scenery surrounding it, presents a romantic and interesting appearance. There are exuberant groves of maple and beech in the neighborhood of these falls, which is the best evidence of the fertility of the soil; and a short distance below, on the south side of the river, the Indians have sugar camps, at which they manufacture large quantities of sugar. Above the falls, the water continues rapid through the whole distance bounding the country of the New York Indians, and contains valuable mill privileges. The land is covered with a thriving growth of oak, beech, and maple; and some of the valuable pineries I have already mentioned, are convenient to these mill-seats.

As near as I have been able to ascertain the position of this tract of country, without a survey, I am of opinion that the upper boundary line, running back from the "old mill-dam" at Little Kackalin, will strike a point about two miles north of *Lake Shawano*; and the distance from this lake to Oconto is about ten miles, in a northeast course. There are three small lakes between Shawano and Oconto. One is called *Menomonie*, or Rice lake, and is covered with the rice peculiar to this climate, which is gathered in large quantities by the Menomonies, and is used as a substitute for bread stuff. The distance from Lake Shawano southwest to Wolf river is about four miles, by the course of a small stream, navigable for canoes and light boats. Wolf

river is a considerable stream, navigable for large boats, emptying into Fox river about twelve miles above its entrance into Winnebago lake.

The above view of the country intended for the future home of the New York Indians, comprises all the information, worth relating, of which I am possessed. It is a country of immense value. At least *two-thirds* of the land within its boundaries is fit for cultivation; and equals, in fertility of soil, advantageous location, and other substantial advantages, any country of equal extent ever occupied by these tribes in the State of New York.

The country lying on the east side of Fox river and Green bay, ceded by the Menomonie Indians to the United States, is described by the treaty as being within the following boundaries: "Beginning at the south end of Winnebago lake; and thence, running a southeast course to Milwauky or Manaywaukee river; thence, down said river to its mouth; thence, north along the shore of Lake Michigan to the entrance of Green bay: thence, up and along the shore of Green bay, Fox river, and Winnebago lake, to the place of beginning." A clause in the article fixing this boundary also cedes "all the islands on Green bay and Fox river."

The southern extremity of Winnebago lake is by a right line, which would not vary more than a point or two from a due south course, about fifty-five miles from Green Bay settlement; but, by the course of Fox river and the lake, to that point, it is seventy miles. I have no data by which to ascertain the distance from the south end of Winnebago lake to where the boundary line, defined by the treaty, would first touch Manaywaukee river; but, suppose it to be about sixty miles, and it may probably be the same distance from this point to the entrance of the river into Lake Michigan. From the mouth of this river to Chicago, it is ninety miles; and, by the shore of the lake to the entrance of Green Bay, it is about one hundred and sixty miles. From this point to the Green Bay settlement, at a point opposite Fort Howard, it is ninety miles; in a direct line from this settlement to the nearest point on Lake Michigan, which would be running nearly a due east course, it is about thirty-five miles. The quantity of land in this peninsula I have estimated at *three millions of acres*!

Fox river is the largest and most important stream emptying into Green Bay; it contains numerous mill-seats, which must present splendid attractions to men of capital and enterprise, whenever the country is offered for sale. The fall in the river, from the outlet of Winnebago lake to Fort Howard, a distance of thirty-six miles, I have computed at one hundred feet; and I feel persuaded that it does not exceed this computation, although it was called one hundred and forty-eight feet by one of the United States' Corps of Engineers, who took the level of the water in 1827. At the head of Green Bay settlement, there is a sudden bend in the river, which changes its course for a short distance; at which a ledge of rocks, extending across the bed of the river, formerly produced a considerable rapid at this place. It is called *Rapids des Pere*, or the "Rapids of the Fathers," from the fact that the first French missionaries who came to this country fixed their residence at that place. The rise in the water from the bay for the last few years, however, has overflowed these rapids so much that they are now scarcely perceptible, and the water is four feet in depth over the ledge of rocks. There is very little current in the river indeed, until we reach Little Kackalin, where there is a very powerful rapid for a distance of about a mile, in which the fall is about five feet. Perhaps no place on the river is more desirable for a mill-seat than the Little Kackalin. It is so near the head of ship navigation, that produce can be floated down without any risk and at

a trifling expense. The country adjacent is very inviting to the agriculturist, and only requires an opportunity to become speedily and thickly populated. The soil is very deep, has a dark loamy appearance, and can be very easily cleared and put under cultivation. There are several sugar camps in this neighborhood, where large quantities of sugar are manufactured from large and beautiful maple groves. About five miles back from the river there is a dense forest of pine; which, from its convenience to this mill-seat, will be of great value to an enterprising owner. From the Little to the Grand Kackalin, a distance of ten miles, the land retains the same character; but, examining the country from the river, a traveller would be more favorably impressed with its appearance on the west than on the east side. There are fine openings in the wood, and more elevated and prominent situations exposed to view on the west than there are on the east bank, and this appearance continues to *Little Butte des Morts*, a distance of fifteen miles above the Grand Kackalin; but the quality of the land is equal, and a little distance back from the river the appearance and character of the country is superior on the east or northeast side. There is a considerable fall in the river between the Little and Grand Kackalin, which offers several fine mill-seats—boats carrying ten tons can go to the foot of the rapids of Grand Kackalin from Green Bay; but here the loading must be hauled over a portage of about a mile, to overcome the falls; and the rapids above, a distance of nine miles to the Grand Chute, are so strong that the load has to be divided in several parcels, and taken up at different times. There is a Menomonie village at the foot of the Kackalin, on the east side of the river, on a cleared piece of land, containing about one hundred acres. The ground at this place has a gradual ascent from the river, until it attains an elevation of more than ninety feet, and appears to much advantage from the river. The timber continues of a fine growth in the rear of this village, and the Stockbridge Indians have proved the soil to be warm, rich, and mellow, and exceedingly productive. I have already had occasion to speak of the valuable water-power at this place, and need not again particularize it. There is an island lying parallel with the course of the river, extending nearly along the whole length of the rapids, which compresses the quantity and force of the water, and thus enhances the value of the mill privileges, by saving much labor and expense in making the necessary improvements. The mill belonging to the Stockbridge Indians is erected on the east channel; and Mr. Grignon's mill, which I have introduced in the sketch of Green Bay settlement, is on the west channel, or left side, of the island, descending the river. In a straight line from the Grand Kackalin to the nearest point on the north shore of Winnebago lake, the distance is only about eight miles. This line passes through a rich and beautiful body of land, covered with oak, hickory, beech, maple, and bass-wood, of a healthy and heavy growth; and the corner which it severs from the peninsula, which is a large body of land, partakes of the same good character. In following the course of the river from the Grand Kackalin to Winnebago lake, the distance is eighteen miles. It is three miles to the Little Chute, which produces a long and impetuous rapid, and contains several first rate mill-seats. From the Little to the Grand Chute, the distance is six miles. This chute has a perpendicular fall of about four feet over a flat rock, extending in an oblique direction entirely across the river, a distance of about two hundred yards. The scenery is very fine at this place, and indeed along the whole course of the river. Some distance below the chute there is a bold prominence at an

angle in the river, which overlooks several miles of the rapids, which present an interesting and beautiful spectacle. At this chute boats have to make another short portage of their loading, and it is with much labor that empty boats can be dragged over the falls. Above the chute the water immediately becomes deep, and the navigation is there uninterrupted to the Winnebago rapids, a distance of about eight miles. At the Little Butte des Morts, six miles above the Grand Chute, the river expands into a small lake. The butte is on the west side of the river; it is on a very handsome elevation, and from the centre of the mound there is a fine view down the river a considerable distance, and also of the island near the foot of Winnebago lake, about two miles above. The general course of Fox river from this point to Green Bay, is about northeast. It has a rocky foundation, and is not in the least affected by freshets. Winnebago lake serves as a reservoir for the waters from the mountains above, which would otherwise swell the river. Hence it is manifest that dams can be constructed in Fox river, either for the purpose of improving the navigation or for milling purposes, with great ease and economy.

Ascending from the Little Butte, the river deviates from its general course, and in coasting the island towards the entrance to the lake, which is three miles from the butte, the course is nearly due east. This island is about a mile in length, and contains about four hundred acres of land; which, for richness and depth of soil, is equal to any in the Territory of Michigan. It is covered with a heavy growth of hickory, oak, butternut, and bass wood, with the exception of about forty acres, at the upper end of the island, which is a fine clear field ready for the plough. The main channel of the river, ascending, is on the right or southwest side of the island, and enters the lake on the west side, about two miles from its northern extremity. From this channel or *outlet*, to the branch on the other side of the island, at its mouth, the distance is about half a mile. There are strong rapids on both sides of the island, upon which are excellent sites for any kind of water-works. This valuable island is within the United States' purchase.

Winnebago lake is an uncommonly beautiful sheet of water, somewhat of an oval form, extending longitudinally from north to south about thirty-five miles, and is from six to fifteen miles wide. There is only one island in this lake—it lies about twelve miles above the outlet, and nine below the entrance of Fox river, within two hundred yards of the west shore. There is a fine channel between the island (*which is high and rocky, containing about twenty acres,*) and the main shore, which will hereafter furnish an important harbor for the vessels of the lake. The country ceded to the United States, bordering on this lake on the north, east, and south, is composed of the very best limestone land; and will be most likely to attract the attention of emigrants sooner than any other part of the ceded territory when the lands come into market. It holds an enviable position, in the heart of a rich farming country, with the lead mines at hand on the one side, and ship navigation on the other. There are several fine streams entering into the lake near its northeast corner; and the soil, in this vicinity, being a mixture of black and red loam and marl, possesses every indication of fertility. The mountain, which extends nearly through the whole length of the peninsula, occasionally approaches the east shore of the lake along a distance of from ten to fifteen miles. The highest peak of this mountain is in the vicinity of the land I have described, at the northeast corner of the lake.

In examining this interesting part of the country I was enabled, by the sagacity of an Indian guide, to reach the summit of this mountain through a chasm in the rocks, and stood on highest peak of the cliff, in a walk of less than a mile from the margin of the lake. This is called "Jackson Cliff." It is about three hundred feet above the level of the lake; and nothing can surpass the splendor of the view which it presents over the rich valley and the waters below. I never saw land that presented stronger indications of fertility than the soil of this valley, and on the side of the mountain it is equally good. At an elevation of about one hundred and fifty feet above the level of the lake a fine *spring*, of the best drinking water, rises among the rocks; in the vicinity of which there is an extensive and luxuriant grove of sugar-maple, some of the trees measuring three feet in diameter, and having a body of equal size, at least thirty feet in height. This spring of water is called "Wolf Fountain; and is, indeed, a delightful spot. The land from the top of the mountain, inclining east, has a gradual descent, and bears ample evidence of being a deep, rich soil, every foot of which is susceptible of cultivation. The timber has the appearance of being young and thriving. It is chiefly hickory, oak, beech, and maple, and is entirely clear of underwood. The ledge of limestone rocks, extending along the mountain at this place, is very valuable. Immense quarries may be opened upon it, from which first rate stone can be obtained for building or making lime, with the greatest ease.

This ledge, for a distance of about two miles, hangs over the rich valley of which I have just spoken, and overlooks thousands of acres of the finest land in the country. The land stretching along the whole length of the lake, on the east shore to the southern extremity, possesses the same fertilizing qualities. About three miles from the northeast corner of the lake the mountain recedes from the shore until it attains a distance of three miles, forming a beautiful valley of the same width, and about twelve miles in length, covered with a heavy forest of oak, hickory, maple, beech, and butternut trees. This valley and mountain terminate, in this direction, within fifteen miles of the southeast corner of the lake, in extensive dry prairies of the choicest soil. There is a considerable indentation in the land at this place; and, turning the last angle of the mountain, ascending the lake, these rich plains, covered with herbage of a luxuriant growth, have the appearance of a highly cultivated country. The Indians call these prairies "Wau-shis-sink," which signifies "*Shining prairies.*" We call them *Cass's Plains*. On the margin of the lake, about the centre of these plains, in front, the Menomonies have a large village, called *Calumut*; the chief of which, "*Little Wave*," is one of the Menomonie chiefs who signed the treaty at Washington, last winter.

Mana-too-wac or *Devil's Den river*, rises in several fine springs, about six miles in a direction east southeast from this village, and increases into a large and rapid stream of water, emptying into Lake Michigan. In approaching the head of this river from Calumut village, the whole extent of the plain is traversed. They contain, at a moderate estimate, *fifteen thousand acres*; and are divided into fields, with surprising regularity, of about two hundred acres each, by clusters of oak and hickory surrounding them, so arranged that each enclosure, thus formed, appears, in viewing it from the centre, to be isolated from the rest. I passed over these plains in August, when they were covered with tall grass and wild flowers; which, at a little distance, gave them the appearance of rich farms in a high state of cultivation; and,

upon close inspection they lose nothing of their beauty. The soil is of the very best quality for successful cultivation, and every acre is ready for the plough of the farmer without any preparatory labor except fencing.

From Calumet village to the head or southern extremity of the lake, the distance is probably sixteen miles. The chief, Little Wave, accompanied me to that point, for the purpose of designating the upper boundary of the Menomonie cession. There is a fine stream emptying into the head of the lake, called Fon du Lac river. It is navigable for heavy boats about three miles. The water on the flats, near the mouth of the river, is rather shoal; in some places not more than three feet deep; but after passing over the bar it is ten feet deep, and continues nearly the same depth about two miles up the river, when it gradually becomes shoal. In ascending this river from the mouth, the course is nearly south, for a distance of about three miles, when it inclines more to southeast. The river, along this distance, is the dividing line between the Menomonies and Winnebagoes; but the line here leaves this river, and runs a southeasterly course, to Manaywaukee river, bounding the country of the Menomonies on the south. The land lying to the west and southwest, between this boundary of the Menomonies and Fox river, is claimed by the Winnebagoes as far up as Lake Aperekaway, or the lower line of the purchase made by *Judge Atwater* and others, in 1829. The lines defined by the Menomonie treaty, fix the southerly boundary of their cession to the United States immediately at the head of Winnebago lake, and thence running a southeast direction. Whereas, according to the description given on the spot by the Menomonie chief, and concurring testimony subsequently received, the line should extend up and along this river as I have above stated, about three miles, and then change its course to southeast. I marked a tree at the mouth of Fon du Lac river, which, according to the words of the treaty, would be the southwest boundary of the purchase. It is an elm tree, with three forks, standing alone on the margin of the river. But a prefatory clause in the article defining the boundaries declares, that the Menomonie nation "cede and forever relinquish to the United States, *all* their country on the southeast side of Winnebago lake, Fox river, and Green Bay," thus evidently showing that they *intended* to convey all their land in this direction. If the Government, however, does not put this construction upon the language of the treaty, there can be an arrangement made without difficulty with the Menomonies for this corner of their territory. The difference in the quantity of land, acquired by taking the boundary of the purchase as including "*all* their land," or the imaginary line fixed by the treaty, would perhaps be *thirty thousand acres*. And certainly from the circumstance of its being directly at the head of Winnebago lake, where the great roads from Chicago, from the Mississippi, by the way of Galena, and through the mining country, and also by way of Fort Winnebago, will most likely intersect this water, it is a highly important part of the purchase. There is an immense tract of rich meadow land at the south end of Winnebago lake, extending from *Fon du Lac*, a width of two and three miles, in a southeast direction, to the foot of a high mountain, a distance of perhaps seven or eight miles. The country between this place and where the line will probably intersect Manaywaukee river, is generally very fertile, well watered by the waters of Rocky river, and various smaller streams, and contains a sufficient quantity of timber of the best kind and largest growth. The Indians have marked the land bordering on Ma-

naywaukee river, as being of a superior quality, by the name they have given the stream; "Manaywaukee" signifies "scarce or good land." Its interpretation into our language, means "the river of good land." The mill privileges on this river are very fine; and the timber on its border is hickory, oak, hard maple, beech, and some black walnut. The whole extent of country between Milwaukee and Manatoowac rivers, is represented as being equal in value to that I have just described. From the mouth of Milwaukee, or *Manaywaukee*, to the mouth or entrance into Lake Michigan of Manatoowac river, the distance is probably seventy miles. Between these waters, there are a number of streams emptying into the lake. The principal ones are *Sock*, *Bark*, *Black*, *She-ho-we-gun* and *Pigeon* rivers. The *She-ho-we-gun* is a very considerable stream, and runs through a valuable tract of country. I have not obtained any information respecting the land bordering Lake Michigan, from Manatoowac to the entrance of Green bay, upon which I dare place sufficient reliance to attempt a particular description of it. There can be but little doubt, however, judging from the character of the adjoining country, but that it is of good quality. About thirty miles below Manatoowac, the "three rivers" empty into the lake, through one mouth, which will doubtless be a place of some importance when the country populates. There are several valuable fisheries on this coast, where the celebrated white fish of this country are caught in great numbers; but, unfortunately, there has yet been but few harbors for vessels found on the coast. The termination of the peninsula, at the entrance of Green bay into the lake, presents a high bluff of rocks, and forms an angle, which, by taking the lake for a right line, may be called a mixed angle; and some distance above the *detour*, fronting the bay, this cliff, or bluff, is upwards of a hundred feet high. The nearest channel to the main land, turning the point of the peninsula from the lake into Green bay, is known to mariners by the name of *Death's Door Passage*. It received this name, as an Indian tradition informs us, in consequence of a circumstance occurring many years ago, by which a large body of Indians were lost near the bluff of rocks projecting over the lake at this point. There was, and is still, a table in the lake, almost immediately under the bluff, presenting a face of solid rock, perhaps thirty feet square. A band of Indians, in canoes, on their way to some of the French trading posts, halted at this place for the purpose of resting and taking some refreshment; and while seated on their stone table, which then projected about three feet above the surface of the water, a storm arose suddenly, which swept over the rock a tremendous sea, and dashed their canoes to pieces. The bluff of rocks was too steep to scale, and the poor creatures, having no other means to escape but trusting to the waves to drive them ashore at some distance from the fatal spot, nearly all perished. On the face of the rocks, fifteen or twenty feet above the surface of the water, there are figures of Indians and canoes painted in the Indian fashion, which must have been done with much difficulty, and by the help of scaling ladders, during a dead calm on the lake.

From the point of the peninsula up the shore of Green bay, it is about forty miles to Sturgeon bay, a considerable sheet of water, which reaches across the peninsula about ten miles, leaving a portage between its extreme point and Lake Michigan, of about two miles. This bay, at its mouth, is about five miles wide. The land on both sides of it is very fertile, and a high ledge of limestone rocks terminate on its southwest shore. The first island below Fort Howard, is opposite the mouth of Sturgeon bay. It is

called Green island, and contains about a hundred acres of excellent limestone land, partly covered with a heavy growth of timber. The Indians have fine plantations of corn on this island. The next island below, on Green bay, is called Chambers's island, which is about five miles in length, and perhaps a mile and a half in width; and is also composed of the best quality of soil. Indeed, the islands below, which are very numerous, are generally valuable. There are some parts of the main land between Sturgeon bay and Lake Michigan, near the point at the entrance of the bay, which may be called broken land; but there is a very extensive body of first rate land in the triangularly formed tract, cut off by Sturgeon bay. About seven miles above this bay, there is another basin, called "Little Sturgeon bay," which is probably eight miles in circumference. There is also a ledge of rocks approaches the shore of this bay, and rises into a considerable bluff near its mouth. The land extending back and in the vicinity of this bay, is also very fertile, and is well timbered. Both Big and Little Sturgeon bays possess many fascinations which must attract the notice of men of enterprise and capital, when the land is offered for sale by the Government. They contain fine harbors; and especially Big Sturgeon bay, will be found a commodious and beautiful port. They are nearly surrounded by a country of the richest soil, watered by numerous springs from the mountains, a short distance back; and the best stone that can be required for building, may be had in any quantities in the immediate neighborhood, as well as wood of the best quality and growth of the country.

The distance from Little Sturgeon bay to Fort Howard is about thirty-five miles, and the country above increases in beauty. About twelve miles below the fort there is a very conspicuous promontory, called the *Red banks*; they are, at the highest point, about a hundred feet above the level of the bay. The ground on these banks presents the appearance of having once been under cultivation, probably by the early French settlers; and one place evidently bears vestiges of fortifications of some kind. I have not heard these appearances accounted for by the Indians, or the present French settlers. The ground from the summit of these banks gradually descends, in going back from the bay; and at the foot of the mountain, about two miles from the shore, there is some of the most beautiful and rich bottom land in the country, well watered with numerous never failing springs rising in the mountains. The soil, generally, at this part of the purchase, has a red loamy appearance, and is deep and very rich. This appearance and quality extends across the mountain in the direction of Lake Michigan. The high ground at the Red banks, breaks off suddenly, after hanging over the bay along a distance of about half a mile, and forms a cove at their lower extremity which affords an excellent harbor. The water is ten feet deep, within fifty yards of the shore; and the mountain, at this point, approaches within half a mile of the margin of the bay, leaving a fertile valley between of considerable length. About seven miles below the Red banks there is another recess in the land, continuing a distance of probably three miles, along which is a bold pebbly shore, the banks rising from three to six feet above the level of the bay. Near the centre of this recess there is a small stream of water gushing from the forest into the bay, which is called Red river, from the circumstance, I presume, of the water having a remarkable reddish appearance. About seven hundred yards above the mouth of this stream, following its course over a bed of rocks, there is a natural *cascade*, over which the stream falls perpendicularly about thirty-

five feet. The sheet of water is about twenty feet in width, and first strikes a solid rock, and then bounds over a space of about five feet more, into a basin beautifully formed, about thirty feet in circumference; and in the centre, where the water appears as clear as crystal, it is four feet deep. The water is very cold and delicious. The space immediately occupied by the cascade is probably one hundred and fifty feet in circumference, and may truly be called a lovely spot. The walls or bastions supporting it are composed of rock, arranged in horizontal strata with surprising regularity. On the east side of the cascade there are natural stairs, leading by a gradual and safe ascent to the level above; and on every side there are large trees standing on the very brink of the precipice. On the east and west sides of the cascade are several pyramids, formed of solid rock, standing entirely isolated. After the water leaves the basin a short distance, it disappears under the rocky bed of the creek, but rises again about one hundred yards below, and flows into the bay, as I have already stated, a rapid and handsome stream of water. There is a beautiful cone below the cascade about a hundred and fifty yards, of an oval shape, nearly surrounded by high banks, which contains about twenty acres of the richest land, and is covered with a grove of oak, maple, and butternut trees, of a vigorous growth. The ground above the cascade has a fine elevation, and the soil has the appearance of great fertility in every direction. In taking a northwest course from the cascade to the bay, the distance in a straight line is something above four hundred yards, and passes through a dense forest of very large trees, consisting chiefly of oak, maple, beech, and bass wood, until within about seventy-five yards of the shore of the bay, when the timber changes into a very heavy and dense pine grove. There is an elevation within a few yards of the cascade, from which a slight view of the bay can be obtained through a vista in the forest; and by opening an avenue from this point to the margin of the water, through the pine grove, a splendid prospect would be formed.

There is a small settlement of French and half-breeds above the Red banks and the bay, and six miles below the fort, who have cleared and cultivated several hundred acres of land, which is the only white settlement on this peninsula, outside of the confirmed claims. Between this settlement and the "Green Bay settlement," there is a very extensive prairie, which is very valuable as a meadow, on account of its convenience to these settlements. The mountain, or ledge of rocks, which extends from the east side of Winnebago lake the whole length of the peninsula to Green bay, approaches this settlement, at the nearest point, about east, within a distance of six miles. The country filling the intermediate space is rather low and level, but the soil is very fertile and productive. In running a course about southeast from this place to the mouth of Manaywaukee river, at Lake Michigan, the country is just sufficiently undulating to make it a desirable farming country, and give power to the numerous streams with which it abounds, for the purpose of draining and forming valuable mill-seats. The land is unquestionably of the most fertile quality. In a direction east from the Little Kackalin, about eight miles, there is a large body of delightful land. There are numerous streams rise at the foot of the mountain near this place, the banks of which at some places rise to a height of seventy and eighty feet, and the waters become very rapid. On the margins of these streams there are the finest groves of sugar maple. They unite into one stream a few miles below this place, and form a considerable water, called *Devil river*, which passes the settlement in the rear, at a distance of about three miles, running

nearly parallel with Fox river, but forms a curve below, and empties into this river opposite Fort Howard. Devil river is navigable for large vessels two or three miles above the mouth. There is a fine stream enters it on the north side, about two miles above its mouth, called *Hell creek*, upon which a saw-mill has been commenced this summer within three hundred yards of its mouth, and is now nearly finished. The only other creek of any consequence emptying into Fox river from this peninsula, near to the settlement, is *Plumb creek*, which rises also at the foot of the mountain, and empties into Fox river, some distance above Little Kackalin.

I have now, sir, laid before you a view of the country purchased by the United States from the Menomonie tribe of Indians, pursuant to my instructions. I have severely felt my incapacity for the task assigned me, and must crave your indulgence for the tedious monotony of my descriptions. If the Senate can extract any useful information from them I shall feel amply repaid for all the pains and labor I have been at to collect materials for a faithful history. I feel deeply anxious for the prosperity of this interesting country, which cannot advance a single step so long as it is distracted by the dispute between the Indians; and, believing that you feel an equal interest on the subject, I will venture to introduce a few more facts which will go to show how vitally important the provisions of the Menomonie treaty are to the very existence of the contemplated Territory of Huron.

I beg leave first to call your attention to the territorial bill which passed the House of Representatives of the United States during the session of 1827 and 1828: and also to the boundaries established by a similar bill, which was reported in the House of Representatives, on the 6th January, 1830, by Mr. *Clark*, from the Committee on Territories. The 13th section of the bill enacts, "*that the seat of Government of the Territory of Huron shall be established at the village of Menomonie on the Fox river;*" and this "*village of Menomonie*" is in the heart of the "*Green Bay settlement,*" on the east side of the river. Now, the original claim set up by the New York Indians, embraces all the Menomonie country on both sides of Fox river and Green bay, from Winnebago lake to Lake Michigan. Thus you will perceive, that if the legality of this claim be admitted by Government, and the bill organizing the new territory should pass, with its present provisions, the territorial limits, surrounding the *seat of Government, will be confined to six miles square, the extent of the present confirmed claims.* The Government cannot have correct information on this subject, or surely Congress would not pass a bill forming a new territory, under such circumstances, but would await the decision of a question so important to the interests of the new territory, and which decision might so materially change the operations of the bill.

The New York tribes pretend to claim as an agricultural people, and declare that they "*did not purchase from the Menomonies for the purpose of speculation, but to procure a home for themselves and their posterity.*" If this be true, Government cannot obtain an acre of land within seventy miles of the seat of the territorial Government; and the passes to it, from the Mississippi above, and the lakes below, will be through an Indian country. The Menomonies, stript of the largest portion of their country by the New York tribes, will have no more land to sell; and thus, this extensive, fertile, and delightful country, *worth several millions of dollars,* will

be lost to the Government; and its rich prospects of soon becoming a flourishing agricultural and commercial country entirely blighted.

I have given you a full account of the nature and extent of the claims set up by the New York Indians, in my report of the 14th of August, to which I now respectfully refer you. That communication embodies all the facts of the case, and adduces all the testimony relied upon by the several parties. The different *claims* and *offers*, made at various times, with the present locations of the New York tribes, and the country provided for their future homes by the late treaty, are delineated on the map, which I will forward with this communication. This map is not as accurate or descriptive as I could wish it, but there is no material error, and it gives a correct general view of the position of the country. Any deficiency or error in the map or in this report, may be supplied by Col. *Robert Irwin*, Hon. *James D. Doty*, and *Morgan L. Martin*, esq., of this place, who will be at Washington during the ensuing session of Congress. To these gentlemen I respectfully refer you, also, on the subject of the claims of the New York Indians.

I conceive it proper, although these claims are made the subject matter of another report, to introduce them in this communication, under the various shapes they have assumed since the commencement of the dispute. The country claimed by the New York tribes, by virtue of their arrangements with the Menomonies, concluded in 1821 and 1822, contains *six millions seven hundred and twenty thousand acres of land*. These claims were immediately contested by the Menomonies; and the tribes were, for the first time, cited to appear before commissioners in 1827, at Little Butte des Morts. At this council the New York tribes refused to make any compromise of their demands with the United States' commissioners. Another council was held at Green Bay, in August 1830, for the sole object of settling this difficulty. At this council the New York tribes agreed to settle the matter by accepting "of a tract of country, traversed by Fox river, having a perpendicular width of twenty-seven miles; and extending to the northwest thirty miles, and southeast as far as the Menomonie possessions extend; this tract would occupy both sides of Fox river, from the rapids of Winnebago lake to a point some distance below the Little Kackalin, thus including *all the water privileges*, and would contain at least *one million of acres*. As a reply to this proposal the Menomonies offered them a tract of land on the west side of Fox river, extending from the head of the rapids of Grand Kackalin to the Little Butte des Morts, and running back thirty miles, which tract contains *one hundred and forty thousand acres*. This offer being refused, the commissioners attempted to effect a compromise by offering the Stockbridge tribe a tract on the east side of Fox river, at Grand Kackalin, including their present settlement, containing six thousand acres; and to the Brothertown tribe a tract commencing on the same side of the river about five miles below, at Plumb creek, and running down to Little Kackalin, containing twenty thousand acres. To the residue of the tribes they offered a tract, of a triangular shape, on the west side of Fox river, containing two hundred and fifty thousand acres. Both parties rejected this proposition of the commissioners.

The present arrangement between the United States and the Menomonie tribe, gives the New York Indians *five hundred and seventy thousand acres* in one tract, on the west side of Fox river, which includes all their improvements on that side of the river, and possesses local advantages equal

to any in the country. This location is certainly preferable to any heretofore offered them, and is far more valuable, both on account of the quantity of land it contains, and the quality of the soil and timber.

The price paid in goods by the New York tribes, was *five thousand dollars*. For this sum they will now receive under the sanction of the Government, *five hundred and seventy thousand acres of land*, which will be at a price *less than one cent per acre!* Can there be *hardship* or *injustice* inflicted upon these tribes by such a bargain? But, suppose they could be confirmed in their original claim, they would then have paid the Menomonie tribe *less than one mill per acre* for their land: and this, too, for a country containing upwards of *six millions of acres!* Would this be dealing fairly with the poor Menomonies? and would the Government be acting the part of a faithful guardian of these people, if it would sanction so gross an imposition practised upon them? Reason, justice, and common sense, will answer in the negative.

In making these remarks, I disclaim entertaining the slightest unfriendly feeling toward these tribes. On the contrary, I claim to be their friend, and have done every thing within my power, since I have resided here, to promote their *true* interest. But my advice, having no *interested* motive to flavor it, has been found unpalatable; and I have been proscribed as being unfriendly to these people.

The number of Indians in the State of New York, including those who have removed to this country, does not, according to their own estimate, exceed six thousand. It is very evident, therefore, that the quantity of land provided for them by this treaty, will be sufficient for all their purposes as an agricultural people, for the next half century. Even if they should all consent to remove to this country, which is by no means certain they ever intended to do, there can be *one hundred acres* allotted to each soul out of this tract. But, when they come to settle upon their country, if they should desire to exchange some of their land lying along their northerly boundary, for a location further south, I presume the Government can procure an extension of the purchase from the Menomonies, in a direction southwest from the upper boundary of the tract given to these tribes, by the treaty. The Menomonies have selected the location upon which they desire their improvements, authorized by the treaty, to be made. This location is at the Big Butte des Morts, on the Fox river, about twelve miles above its entrance into the Winnebago lake. It is a judicious selection; being on a considerable elevation, rising gradually from the river, and presenting a healthy and beautiful appearance. The soil has the appearance of being very fertile, and easily cultivated. Their settlement, I presume, will extend along the prairies some distance back from Winnebago lake, in the direction of Fox river, below the lake; and their mills will probably be erected on the river below, unless a more convenient site be found on Wolf river, of which I am not informed. Fox river, between the Butte and its entrance into Winnebago, is literally covered with rice; its course is nearly due east, and the channel in most places is narrow. About six miles below the Butte, the river opens into a very pretty lake, probably eight miles in circumference, called "*Lake Wing*." From the entrance of Fox river into Winnebago lake, to the southerly extremity of the lake at Fon du Lac river, the distance is about fifteen miles, and the course southeast. The country bordering this lake between the rivers, is claimed and occupied by the Winnebagoes. The land

that I examined on the margin of the lake equals any in the vicinity of Fond du Lac in fertility; and there are several bold and beautiful points of land, with ten feet water, within a few yards of the shore. This tract, judging from its location, I am induced to think, is of very little importance to this tribe: and if their title was extinguished by the United States, and the Menomonie treaty ratified, the Government would have the disposal of the whole country, from the lakes, by the way of Green bay, to the Mississippi.

The distance from Green Bay settlement to Big Butte des Morts, by the way of the river and lake, is seventy miles; but it can be travelled by land within a distance of fifty miles. The road crosses Fox river at Rapides des Peres, at the head of the settlement, and keeps on the west bank of the river, near the margin, to the Little Butte des Morts. The course of the stream changes at this place, and the path leaves the river, and pursues a course about southwest to the Big Butte, which is only about fifteen miles from this point, by the course of the path. The country which is traversed by this route, is generally composed of rich and beautiful prairies, extending on each side, in some places as far as the eye can reach, and exhibiting every appearance of fertility. In fixing the boundaries of the farming country for the Menomonies by the treaty, we were not aware of the extent of country embraced within their limits. And from the information I now possess on the subject, I feel no hesitation in saying, that the Menomonie tribe will not require two-thirds of the land retained for them, as an agricultural people, within the present century. They can, therefore, without prejudicing their interests, cede a portion of this country to the United States; and I presume they would receive as an equivalent, an equal quantity of land on the Oconto, as well on account of the fine fisheries on that stream, as of the valuable groves of sugar trees in the vicinity. It was with much reluctance that they parted with the land bordering on that stream in the first place; and it was procured for the New York Indians, on account of the valuable mill privileges which the river contains.

In my opinion, however, there is one question, which I consider of great importance, that should be settled before the Government incurs any more expense on this subject; and that is, "*whether the Government now intends to establish an Indian colony east of the Mississippi and west of the lakes, or has it abandoned that idea?*" This plan was introduced by Mr. Calhoun, and afterwards favorably noticed by Mr. Barbour, in the able reports of these gentlemen when occupying the office of Secretary of War. If it is still considered expedient to locate the northwestern Indians in this county, the land should be apportioned among the first settlers, with an eye to the ultimate object. The Menomonie treaty has a clause providing for this contingency, which gives the United States the power, at any time, of extinguishing the title of this tribe to all their lands on the west side of Fox river and Green bay, with the exception of the tract set apart for their farming country. Thus the Government can at once possess itself of at least *four millions of acres*, for the purpose of establishing this colony, exclusive of that already obtained for the New York tribes. The western boundary line between the United States and the Indians would then be the Fox and Wisconsin rivers; the one emptying its waters into the lake, and the other into the Mississippi, four miles below Prairie du Chien. I believe that this country could be cultivated, with great success, as far north as the Menomonie river, which empties into Green bay, about sixty miles below this settlement. There are two American traders located about three miles up this

river from its mouth, who raise excellent crops of corn, oats, and potatoes. This river has water power equal to Fox river, and is a still more handsome stream. Messrs. Farnsworth and Brush, the traders, are erecting a saw-mill on the premises they occupy, on one of the finest sites I have ever seen. They take, and export every season, from three to eight hundred barrels of white fish. They catch the fish in a basket, fixed under a dam, in the river.

In concluding this communication, I cannot refrain from again calling your attention to the dazzling attractions offered by this country, to an enterprising and industrious population; and its location may better be explained by fixing its *course* and *distance* from prominent points known to the geographer of the United States. From this place to Buffalo the distance is about nine hundred miles. The navigation, between these places, is uninterrupted; and the waters through which it passes, are, Green bay, and Lake Michigan, to the island of Mackinac, a distance of two hundred and ten miles, Lake Huron, River St. Clair, Lake St. Clair, and part of Detroit river, to the city of Detroit, a distance from Mackinac of four hundred miles, and then through part of Detroit river and Lake Erie, about three hundred miles, to Buffalo. This water communication continues to the city of New York, by the Erie canal and the Hudson river; and, although there is but little competition in the carrying trade, on the upper lakes, the expense of transportation from Green Bay to the city of New York is very trifling. As soon as the country opens, and its rich produce begins to float down the lakes, competition in the carrying business will increase, and the price of transportation, to and from the eastern markets, will diminish. If the Pennsylvania canal is extended to Erie there will be a choice of markets opened to the agriculturist of this region, and Philadelphia and Baltimore can compete with New York for the immense business of the lake country.

The distance from Green Bay to Prairie du Chien, by way of Fox and Wisconsin rivers, upon which the merchandise destined for the Prairie and Fort Winnebago is transported, is about four hundred miles. But by the path travelled by horsemen, the distance is not above two hundred and thirty miles. The distance from the Bay to Fort Winnebago, at the Wisconsin portage, by this path, is about one hundred and ten miles, travelling nearly a southwest course. There is a portage of about a mile and a quarter in length between the Fox and Wisconsin rivers. From Green Bay settlement to *Mineral Point*, by way of Wisconsin portage, which is the only road now travelled, the distance is about one hundred and ninety miles; and from Mineral Point to Galena it is thirty-six miles. A little assistance from the Government, to aid in improving the Fox river below Winnebago lake, and open a road from the head of the lake to the mining country, is alone required, not only to shorten the distance of these routes and facilitate transportation, but to reduce the price of it, at least one half, below the present rates. I believe that the distance from the mouth of Fon du Lac river, at the head of Winnebago lake, to Mineral Point, by a course along which a road can be opened with great ease, will not exceed eighty miles. You are aware that distances are frequently computed by Indian marches; and it is a well authenticated fact, that, during Col. Dixon's expedition at the close of the last war, the Indians marched from a place called Pine Bends, thirty miles beyond Mineral Point, to Garlic Island, in Winnebago lake, about twenty miles below Fon du Lac river, *in two days*. Thus, by calculating the distance from the mouth of Fon du Lac to Mineral Point at eighty miles, these

Indians are made to march sixty-five miles a day; and that is a very long march for an Indian.

It is very evident that the period is not remote, when the great thoroughfare, between the Mississippi and the city of New York, will pass through Green bay. Nature has done so much for this country, that there must soon be a commodious highway, connecting the waters of the lakes with the Mississippi river; and then the whole business of Galena, the lead mines, and the Upper Mississippi, will take this route, by which the value of property, at the head of ship navigation, will be greatly enhanced, and the commerce of the lakes much benefitted. These advantages require a population that understand how to improve them. Let the Menomonie treaty be ratified, by which the Government will have received three millions of choice acres to hold out as an inducement to emigration, and that population will not be long wanting: more especially if the bill organizing the new territory passes this session, which is earnestly called for by the true interests of the country.

I now, with due deference, submit this communication to you. It is lengthy, and a perusal will no doubt be fatiguing; but I was unable to compress it within a smaller compass. The subject which has given it birth has reached a crisis which renders it of serious importance to the Government, and my sole desire is, when the final question comes up for decision, to have the Government act upon correct information. I can then have no fear of the result. The Senate of the United States will not suffer an arrangement, so highly advantageous to the Government as the Menomonie treaty, to be lost, upon objections so futile as those urged against it by the New York Indians.

I am, sir, very respectfully,
Your obedient servant,

S. C. STAMBAUGH.

To the SECRETARY OF WAR.

CHEROKEE AGENCY, *November 9, 1831.*

SIR: Enclosed I send you an abstract of disbursements made since my abstract of the 30th June last, and on account of emigration. Some of the orders for improvements had been traded without endorsements; and the parties to whom they were given living at a distance, it was impossible to get them endorsed. I have, of course, paid them to the holder; from which no possible injury can result to the Government, as all the orders were credited by the emigrants on the certificates given them by the assessors before they went away.

The Nos. 77, '8, and '9, paid to Lewis Ross, were left by Daniel and McCoy with him for collection; and those from 80 to 94, inclusive, were given to Lavender and Roberson, his co-partners, who left them with him also for collection.

Those from 94 to 103, given to Stanfield, were left by him with W. M. Cowen for collection, who received and receipted for them. No. 162, to Joseph Vann, was taken by Sheppard from Adair, for a debt due Vann, and kept by Sheppard until the money was paid him. Nos. 172 and 174, given to Joshua Johnson, were paid to Hugh Henry, his co-partner. Part of 177 was paid W. W. Cowen on an order from Mead; but the order was taken up by Rawlings, his agent, to justify him for allowing the credit.

As I expect to send another abstract in a few days, I have not enclosed any account current.

Respectfully, your obedient servant,

H. MONTGOMERY.

Hon. LEWIS CASS,

Secretary of War.

WESTERN CHEROKEE NATION,

Agent's Office, November 10, 1831.

SIR: I deem it my duty to transmit the enclosed copy of a correspondence with the committee and council of the western Cherokees, on the subject of sending a delegation to Washington, as the best means of presenting said subject to your notice.

The opening of emigration again (under treaty of 1828) appears to have given rise to this step on their part. The Arkansas Cherokees apprehend they will be too much crowded, and the emigrants think themselves entitled to compensation for their portion of the country from which they removed, in addition to the valuation of their improvements; and they also appear to be apprehensive that if the Cherokees east should treat with the Government alone, the interest in the soil of those who have, and may emigrate, will be entirely lost to them; and are therefore anxious to effect an arrangement with Government to secure said interest. In my previous conversations upon this subject, I endeavored to give it the proper direction, with a view to the success of their application, &c.; but as they have not confided to me all their views, it is not in my power, at present, to speak more fully on the subject. The delegation will consist of the following persons, viz.: Black Coat, second chief, and John Rogers, a member of the national committee, to represent the old Arkansas Cherokees; and Joseph Vann, the president of national committee, with some other person, will be selected by the emigrants here to represent their interest; and it is said that John Drew is to be their interpreter. They were the fast friends of the former agent; consequently, much dissatisfied at his removal and no ways partial to his successor, but not so with the nation generally. I confidently look forward to the time when the promotion of the general welfare will have stronger claims to their attention. The object of their visit to Washington seems to merit the friendly attention of the department, and I therefore recommend that a reasonable allowance, for their expenses, may be paid by the Government.

I would also ask leave to suggest that the promotion of the general welfare of the western Cherokees would have a happy influence in inducing those east to join them, and that an influence from this quarter might be brought into action more efficiently than from any other; and if entrusted, under all requisite instructions, with the management of the negotiation, I have the strongest hopes of being able to engage the aid of an influence deemed best calculated to effect the removal of existing difficulties.

It appears to me that too much angry feeling has been heretofore excited to accomplish the object in the usual way, through commissioners; and, therefore, beg leave to suggest that, by confiding the negotiation of a treaty to one who, in the capacity of a mutual and sincere friend, would faithfully

consult their future views and interest, they might be induced to prefer what they have heretofore obstinately refused to listen to.

Respectfully submitted by your most obedient servant,

GEO. VASHON, *Indian Agent.*

The Hon. LEWIS CASS,

Secretary of War.

TOLLUNTISKEE, *November 1, 1831.*

SIR: At our last council, we contemplated sending on a delegation to Washington, and after mature consideration, we have confirmed our views on the subject. No doubt but you have by this time informed yourself of the real situation of our country; if so, you will have found it to be small, and much poor country that cannot be settled. The object of the delegation will be to ask an addition to our country, and to lay before the Government the real situation of our country. We think that the emigration, contemplated in the treaty of 1828, is fulfilled, which is proved by the President's telling the Cherokees east, that he no longer would support emigrants. And now again he has opened emigration; to what extent they will enrol we know not; but we think this much, it will be far greater than was contemplated in the treaty, and will continue so yearly; that if we follow its progress, we will in a few years find ourselves much crowded on our lands. Our object will be to send two of our delegates through the old nation to get some of the emigrants there to go on with them, which can be easily effected, and for them to plead the necessity of an addition to our country, or they would not be welcomed at their new homes. The prospect of much addition is but small; but where there is any prospect, we ought to use all means in our power to obtain it. We might reasonably suppose, that one half of the old nation would emigrate; this would crowd our little country perhaps when all means and hopes of an addition would be in vain; we can but try what can be effected, that it may not be said that we could but would not. We cannot but believe that our father will be disposed to do something for us; as it will be also the means of the furtherance of his own policy. It is our opinion, that if suitable measures were provided for emigrants, that they would come in such numbers that Government would soon realize the benefits of its emigrating plan. If our views can be effected, some of the delegates will return through the old nation, to induce their friends and relations to come to this country. These are our principal reasons, connected with business of less importance, that induce us to send a delegation.

No doubt but you will see the necessity of a delegation.

You will please communicate to the council your views on the subject.

With respect, &c, we remain,

Your friends and brothers,

JOSEPH VANN,

President National Committee.

To GEO. VASHON.

(Copy of reply to foregoing communication.)

CHEROKEE AGENT'S OFFICE, *November 1, 1831.*

DEAR SIR: I have the honor to acknowledge the receipt of your commu-

nication of this date, containing the views of the national committee relative to sending a delegation to Washington city; a part of which to visit the old nation, with a view to obtain their co-operation in endeavoring to obtain some accession of country, exhibiting the reasons which induce you to think it important to the present population, and of those who may hereafter emigrate; and requesting me to communicate to the present council my views of the subject. With which I have the pleasure to comply, in respectfully submitting for the consideration of the council, the following exhibit thereof.

The subject is certainly one of very great importance to the Cherokees, both east and west of the Mississippi, and would have a fair and just claim to respectful attention, provided it be presented to the consideration of the Government, upon the grounds on which the justice of the subject rests; and if the Cherokees east should, as you anticipate, unite with you in presenting the subject to the attention of the Government, upon its true merits, I have no doubt it would receive the most just and respectful consideration, and that much more than the object contemplated could be effected.

The accomplishment of your views must, from the existing state of things connected with the subject, entirely rest upon the merits of the new question, judiciously presented to the consideration of the Government. And as there is no authority to be found in the late treaty, to enable any department of the Government to act in accordance with your views, I would recommend that an effort should be made to negotiate a new treaty, embracing every object that may be contemplated by the whole nation east and west. It does not appear to me to be practicable to succeed in your views, without the co-operation of the Cherokees east; and if I am not greatly mistaken in my judgment on the subject, their true and permanent interest should induce them cordially to unite with you in effecting the object of your wishes. It appears to be equally their interest, as well as your own; and I think ere long they must discover it. Your view, relative to a continued emigration, from time to time, is no doubt correct; the treaty provides for it, and secures their right to emigrate whenever they choose: and as fast as they discover it to be their interest to emigrate, they will continue to do so; and without making a new treaty with the Government by the old nation, the provisions contemplated are not attainable; and in which, I have understood, that all the emigrants here, consider themselves deeply interested; and their pretensions would appear to have just claims to consideration, in concluding a treaty with a view to other objects.

This subject is too important to be disposed of hastily, and there are too many points of interest involved, to be exhibited in the reply required by your communication; and, for the present, perhaps, it may be deemed sufficient to offer for consideration, a fair outline of my view of the subject. Should further elucidation be deemed necessary on any point, it will give me great pleasure to afford it, as fully as may be in my power; and if any co-operation on my part should be acceptable, in endeavoring to promote the future welfare of those amongst whom Providence has placed me, you may rest assured that all my efforts shall be most zealously devoted to effect the object; and if successful, would be cherished as one of the happiest events of my life. It is my duty to add, that should my presence at the council be

deemed necessary at any time, it will always give me great pleasure to attend

Most sincerely,

Your friend and brother,

GEO. VASHON,

Cherokee Agent.

JOSEPH VANN, Esq.,

President of Nat. Committee.

CHEROKEE NATION, *November 7, 1831.*

SIR: In our communication to you on the subject of sending a delegation to Washington, to accomplish certain objects and views therein mentioned, and that we contemplated sending a part of the delegation through the old nation, to get some of the influential citizens there to co-operate with them in the accomplishment of those views, we are aware that we ought to have notified the War Department, through you, of our intentions: but thinking it would be too late in the season for travelling, before we could get an answer, we neglected notifying the department. We therefore, now notify you, to apprise the War Department of our intentions; and that we have appointed men to go to Washington to talk with the President. It is also our wish, that the War Department direct H. Montgomery, agent in the Cherokee nation east, to give all the assistance he can, to those delegates that go that way, in the accomplishment of their views.

Yours, respectfully,

JOSEPH VANN,

Prest. Nat. Com.

To Capt. GEO. VASHON.

FRANKLIN, TENNESSEE, *November 13, 1831.*

SIR: Your letter, requesting that General Coffee and myself would proceed to the Indian country and endeavor to procure an arrangement to be made for the final settlement of the Chickasaws with their Choctaw neighbors, has been received. The agents to both tribes have been written to, that the chiefs and some of the principal men might be convened. Early as they are heard from, probably in a week, we shall proceed to execute the wishes of the Government. General Coffee passed through this place on Friday, on his way to Nashville. He may find it necessary to draw upon you for two thousand dollars, to defray expenses. Be assured we shall be careful to avoid every expense which can, with any propriety, be avoided. We will seek to conclude the arrangement after the most economical manner; and should we be forced into any seeming extravagance, it shall be of a character where the Senate must decide, and the responsibility of course be taken from your department.

Very respectfully,

Your most obedient,

J. H. EATON.

LEWIS CASS, *Secretary of War.*

DAWSON'S POST-OFFICE, CHEROKEE NATION, Nov. 13, 1831.

SIR: Whilst at the agency I left my interpreter, Moses Paris, to talk to the people within the chartered limits of Georgia; on my return, the information contained in the following copy of a letter from myself to the commander of the Georgia guards, at the station near Dawson's, was communicated to me by my interpreter and two lately enrolled heads of Cherokee families.

"12 o'clock, November 11, 1831.

"SIR: It became necessary, a few days ago, for me to see the agent; at the agency I left Mr. Paris, my interpreter, to talk to the people of Pine-log and Salacoa in my absence. On my return to this neighborhood, I am advised my interpreter has been insulted and abused by *Tesa Tueska*, a member of the late council, in consequence of his being in the employ of the United States. John Clark, a Cherokee, who enrolled himself and family before I set out for the agency, has been abused and stricken since by the same person for having enrolled; and threats at the time made, that so soon as the emigrants should pass the Georgia line they would receive two hundred lashes. As you are stationed here to execute the laws of Georgia, or have it done, this information is only necessary to be communicated in order to dictate the course to be pursued by you. Try to be at Bowman's to-morrow.

"Very respectfully,

"BEN. F. CURREY,

"*Sup't C. I. removals.*"

It is rumored that the late council passed an act to inflict the punishment of two hundred lashes upon all who should enrol. How are the emigrants to be protected from abuse after leaving the chartered limits of Georgia, should such a regulation be attempted to be carried into effect? *Tesa Taeska* was arrested, on the information contained in the foregoing communication, on yesterday, but was not able to ride to the place of holding court. He will, however, yet be dealt with according to law. To inflict exemplary punishment on the leaders for such outrages in the inception of our operations, is regarded as essential to the success of the business.

Several families are talking of enrolling, who will undertake to remove and provision themselves. The following is our estimate of the expense of transportation and subsistence to each hundred persons, made by the assistance of Col. Montgomery.

The average distance for the Cherokees, residing south of the Conasauga settlement, from the agency, is about one hundred miles; twelve days for wagons going and coming, at \$2 50 per day; turnpikeage to each wagon, \$2; employing at an average of nine wagons to each hundred Indians, would be	\$297 00
Seven days' rations, at 7 cts. a ration, for one hundred persons,	49 00
Four flat bottom boats to each hundred Indians, each boat averaging \$57, with \$10 pilotage over the shoals, - - -	268 00
Sixty days' rations to the mouth of White river, (as far as flat bottom boats can go,) at 7 cts.; six thousand rations necessary for each hundred persons to the mouth of White river, - - -	420 00
	\$1,034 00

Average distance for steamboat transportation to Tuscumbia, two hundred miles, by wagon, doubles the distance by land; consequently, doubling the expense of land carriage, ferriage, &c., over the cost to the agency, - - - - -	\$594 00
Rations, doubled as time and distance, is to Tuscumbia, - - -	98 00
Six days' rations from Tuscumbia to the mouth of White river, at 7 cts., would be 42 cts. each, and to each hundred - - -	42 00
Average passage per head to the mouth of White river, \$2 50, -	250 00
Tonnage for furniture, farming utensils, &c., 50 cts. per cwt., an average of six thousand weight to each hundred persons, - - -	30 00
	\$1,004 00

To the mouth of White river, by this estimate, there is in favor of steamboat transportation and subsistence \$30; and, instead of being delayed at the mouth of White river for boats to convey them up to their new homes, (which would be the case oftentimes when carried that far in flat bottoms,) they would be able to proceed on without delay. By the steamboat arrangement from the foot of the shoals, too, the liability the Government would have to encounter of extortion from steamboat carriers, where there is but little competition, will also be avoided. Order can, also, the better be preserved amongst the Indians; whilst, at the same time, they derive all the advantages of a speedy and comfortable passage; thereby giving them a fair opportunity to open fields for the next year's tillage, and avoid the diseases incident to a tedious passage in flat bottoms to the mouth of White river, and the occasional delays to which they would be subject, after they reach that point, before a boat could be procured to take them up the Arkansas river—at which point mercenary hordes have heretofore assembled to fleece the detained Indian of all he has.

It is my opinion that the expense incurred from the mouth of White river, after passing to that place in flat bottoms, would be equal, or very nearly so, to the expense of a steamboat passage all the way for Tuscumbia, and ultimately save 25 per cent. to the Government from the mouth of White river up, whilst the estimated expense that far is thirty dollars less for each hundred persons via Tuscumbia than by the agency.

According to this estimate, without having any data upon which to calculate the expense from the mouth up the Arkansas to the point of destination, I would suppose that boats employed at Tuscumbia would charge not exceeding \$5 per head, and \$1 50 per hundred weight for furniture, farming utensils, &c.; which would, upon extending their employ all the way, increase the cost of passage.

Making a charge of \$2 50 a head from the mouth of the river, on each hundred, - - - - -	\$250 00
Tonnage for furniture, six thousand weight to each hundred persons, at \$1 per hundred, - - - - -	60 00
And rations from the mouth of White river for ten days, to each person, at 7 cts. per day, - - - - -	70 00
Added to the expense that far by wagon and steamboat, - - -	1,004 00
	\$1,384 00

Divide this amount by 100, the number whose expense is estimated, the expense of transporting and subsisting each person from his home to his destination in Arkansas, - - - - - \$13 84

So an advance equal to this estimate will be given to such as choose to remove and subsist themselves.

The calculations made in my report from the agency, with regard to the number who would enrol by the 1st of January, under date of the 7th inst, will be somewhat frustrated by the absence of all the assistant enrolling agents, * * * who have considered themselves called upon, by considerations paramount to all others, to visit the interior of the State at this juncture of time. I regard their necessary absence as a great draw back on the promised progress of enrolment; for now is the time to shake the confidence of the chiefs in their own supposed influence, and to make a powerful impression before the delegates set out to Washington, was, and is desirable. The apology of those gentlemen is transmitted, that the department may judge of its sufficiency, and I hope it may prove so. I have called on the assessors for their services, to commence the 10th of December next.

As I reflect on the delay necessarily attending that regulation in the project, requiring returns to be made by the appraisers to have the approval of the department, before the payments are made for the abandoned improvements, I am the more confirmed in the opinion that it would be proper to appoint a man of high character to be on the ground to perform this duty, whose approval on the back of the assessor's certificate would entitle the proprietor to draw the money on application to the agent. For this office, as well as to assist in enrolling, allow me again to press the appointment of *Charles Gates*, esq., of Gwinnett county, Pinckneyville, Georgia, whose services would be invaluable at the present crisis. He could only be induced to act from patriotic considerations, having the prospect of mutual good to his own State, the General Government, and the Indians. He is personally acquainted with most of the common people of the nation, and has their confidence, as well as that of all who know him.

Should negroes belonging to emigrants be transported and subsisted? Should the subsistence of a reasonable number of farming horses be subsisted? and hunting dogs transported and subsisted? Some money privately distributed to active Indians in favor of emigration, or a bounty in cash, say five dollars to the family, and two to each single adult Cherokee, on the principle of enlisting soldiers, would have a happy effect. Out of fifteen who have enrolled since yesterday, every one has asked for a little money now. I have adopted the rule of giving to each young man, unmarried, a rifle, if passed the age of eighteen; and to each young woman over that age, and not under the care of parents, a kettle. Although the treaty does not, expressly say this shall be done, still it is considered to be right that all who, if citizens of the States, would be subject to military duty, should have a rifle, and grown women, doing for themselves, a kettle.

Very respectfully,

Your most obedient servant,

BEN. F. CURREY,

Sup't Cherokee Indian removals.

ELBERT HERRING, Esq.,

Bureau of Indian Affairs.

CHEROKEE AGENCY, November 14, 1831.

SIR: I am requested by John Ross to notify the Government that John

Martin, John Ridge, and William S. Coodey have been appointed as delegates to represent the affairs of this nation before the Government of the United States during the next session of Congress.

Very respectfully, &c.,
H. MONT OMERY.

Hon. LEWIS CASS, *Secretary of War.*

PHILADELPHIA, *November 14, 1831.*

RESPECTED SIR: Your favor of the 11th is received; wherein you state that I have not furnished capsules with the rifles delivered to the keeper of the arsenal on Schuylkill, and requesting me to do so.

I presume you were under the impression that the rifles furnished were on the percussion principle; which not being the case, (they being flint locks,) I presume the capsules would not be required; if so, however, please inform me.

Your will excuse me for not stating more particularly in my bills that they were *flint locks*.

Very respectfully,
Your obedient servant,
GEO. W. TRYON.

ELBERT HERRING, Esq.,
Office Indian Affairs.

COLUMBUS, OHIO, *November 15, 1831.*

DEAR SIR: I am at length enabled to inform you the Senecas and a majority of the Delaware tribe of Indians have left Ohio for the west; the Senecas numbered about three hundred and forty, including a few individuals of other tribes who emigrated with them; two hundred and thirty-two of whom removed by water, and the balance by land. The number of Delawares, who are also on their way to the west is fifty-eight; the balance, about twenty, are blood relations of the Wyandots, could not be persuaded to leave their friends; they will therefore remain with them, and remove when they do.

Before I undertook to remove the Senecas, I was vain enough to believe that I could almost calculate to a cent what it would cost; but after I made the attempt, I found out that I was most egregiously mistaken, both as it respected the cost, and the trouble and difficulty attending the same; all which shall shortly be reported.

It is however my opinion, if these Indians had been removed earlier in the season, that the expense and trouble would not have been near so great; which might have been done, had I had more time to attend to them in person; but I was compelled measurably to leave the necessary preparations for their early removal to the sub-agent, and before I could turn my whole attention to them, the season became so far advanced, that it was with the utmost difficulty that they were prevailed upon to remove this fall; but I came to the determination to remove them, and to surmount every obstacle thrown in the way, because I well knew if they remained here another winter, that they must suffer; and further, I feared if they did, that it might operate to the prejudice of the Wyandots, and might prevent them from disposing of their lands before the end of the approaching Congress.

When I received instructions from the department to accompany one party of the Indians to St. Louis, and Mr. Brish, the sub-agent, the other, I therefore, on account of ill health, and the importance, as I supposed, of returning as speedily as possible to the agency, chose to go by water, and requested the sub-agent to accompany the party by land; but, to my surprise and mortification, he most positively refused; and threatened to resign if he were not permitted to go by water; I therefore, for the sake of peace, and to accomplish the object before me, was compelled to let him take his own way; I feared, if I did not, that some embarrassment might be thrown in the way to prevent the Indians from removing this fall. After I had made every arrangement in my power for the removal of both parties, I advanced Mr. Brish three thousand one hundred dollars, which I supposed sufficient to remove the party going by water; however, I had afterwards to advance him one thousand more. I moved on with the land party, but my health did not permit me to accompany them as far as I could have wished; I therefore sent their interpreter with them, and also a trusty person who accompanied them out of the State; but owing to their tardy movements, high waters, and their determination to hunt on their journey, he left them to pursue their journey in their own way, which was their choice so to do.

Before I left this party, I found out that it would be almost impossible to take them through until the end of the hunting season, as it had already commenced; but I have no doubt but they will reach St. Louis by the latter part of the winter; and indeed a number of them will make no halt until they reach that place; and I have also no doubt but they will live well on the way, as they are good hunters, and well provided with tents, &c.; however, I directed the interpreter to inform me by letter or otherwise, if any thing retarded their movements; and if any thing of the kind should happen, if I am able I will follow after them.

I found it not necessary to purchase any blankets for the Senecas, as they were well provided with that article, having received as presents a large supply last summer from the British agent at Malden. As it respects the rifles I was directed to purchase, after making inquiry, I found that they could not be obtained; I therefore only purchased seventy or eighty dollars' worth for the land party.

I am, very respectfully,

Your most obedient servant,

JOHN McELVAIN, *Indian Agent*

To the Hon. L. CASS,

Secretary of War, Washington.

LANCASTER, PENNSYLVANIA, November 18, 1831.

SIR: I have just received from Detroit, the letter of which the enclosed is a copy, and I lose no time in communicating the matter to you. There is nothing which I can do about it, unless instructed by the department. Indeed I might add I know nothing of the subject in dispute.

Very respectfully,

Your obedient servant,

G. B. PORTER.

The Honorable LEWIS CASS,

Secretary of War.

GREEN BAY AGENCY, *November 2, 1831.*

SIR: I deem it my duty to communicate the fact to your excellency, of a deputation of *Waubenockies*, or New York Indians, leaving this agency on their way to Washington, in the schooner which sailed to-day. They are accompanied by a Mr. Beal, a lawyer of this place, who is to receive, or *has received*, six hundred dollars for his *counsel* and *advice*, which urges them to oppose the benevolent views of Government. They are also accompanied by the missionary who resides among the Stockbridge tribe, who has also been incessant in his endeavors to prevent the settlement of the dispute between the Menomonies and this tribe, unless it is settled upon principles diametrically opposite to the *policy* of the Government; and which would, consequently, be ruinous to the future prosperity of the Indians.

It is painful to advert to these things, but a duty which I owe to the Government, will not permit me to remain silent, or shrink from responsibility. These Indians, if they may be so called, have neither obtained the consent of the President, nor the superintendent of Indian affairs, to visit Washington, as is required by the regulations of the department. They say they act for themselves, and have their *own counsel*; but when they claim country from the Government, or ask the expenses of these visits to be paid, they then *claim to be a tribe of Indians*.

Their object at Washington is to oppose the ratification of the treaty, made last winter. They have gone without my approbation, as the acting agent of Indian affairs, at this place, and contrary to my idea of what is right.

Very respectfully,

Your obedient servant,

His Excellency Gov. PORTER.

S. C. STAMBAUGH.

N. B. I will add that this whole community deprecate this step of the N. Y. Indians.

S. C. S.

PHILADELPHIA, *November 19, 1831.*

RESPECTED SIR: Yours of the 11th and 17th ultimo came duly to hand. It appears you were not in receipt of my reply (dated 14th) to yours of the 11th, at the date of your last. I then stated that all the rifles delivered by me, were *flint locks*. In yours of the 17th, you state it to be the desire of the Secretary of War, that all the rifles on the percussion principle, be altered to the flint system, which I assure you is not an easy task, although it can be done. The change will be attended with considerable loss to me, inasmuch as I have a great portion of them stocked, and nearly finished, and the locks and materials for all of them completed, which will necessarily remain on hand. I, however, will do my utmost to give satisfaction to the department.

You also say that you are anxious they should be completed in as short a time as possible. I will state that it will require some little time, as the locks must now be made to suit the stocks, whereas in the original manufacture, the stocks were made to suit the locks. But, sir, will you allow me to state that the understanding with the late head of the department, was, that I would be continued in the manufacture for the completion of the number required for the Indians, by the late treaty; but as I then understood that the then appropriation did not extend beyond the orders then given.

If, however, you consider me worthy your favors, and forward me the additional orders now, I can double the number of my workmen immediately, and effect the alterations in the locks, and complete several hundred others

in a very short time; and as regards the pay for the new orders, I of course do not ask it until such time as the appropriation may be made. As regards the quality of my work, I must refer you to the inspectors; and for my *moral* and *political* standing, to the recommendations I presume on file in your office. I shall esteem it a favor to hear from you.

Very respectfully, your most obedient servant.

ELBERT HERRING, Esq.,

GEORGE W. TRYON.

Department of War, Office Indian Affairs, Washington.

VICKSBURG, November 19, 1831.

SIR: On my arrival this evening, in advance of a large party of Choctaw emigrants, Col. Ward, Indian agent for that nation, called on me to state such facts in relation to the valuation and sale of the Choctaw cattle, which may have come to my knowledge. In conformity thereto, I have to state that on the decease of Mr. Douglass, (who had advertised in the public papers his intentions,) Col. Ward conferred with me, as to the necessity of immediately appointing, provisionally, an agent to carry into effect the orders of your department, which had been made imperative by the lateness of the season, and the absolute necessity of the removal of the Indians. These considerations, seconded by the arrangements made by Mr. Douglass before his death, induced us, by virtue of our authority as agents of the Government, to appoint a competent man on the spot, and our selection fell on Major Dowsing, a gentleman who stands second to none "in this country, or any other, for integrity and capacity," his responsibility of course vouched for.

Major Dowsing has accomplished the business for this season, and will make his return in due course.

Your orders to sell the cattle immediately after their valuation, without reserve, caused some sacrifice, but not so great as might of have been apprehended. I refer you to the letter containing your instructions to Mr. Douglass, and leave you to judge of the necessity for the sales. I was present at one of those sales, and have to state that a spirited bidding took place, although the cattle were very inferior. There were a number of persons present who did not bid; and the cattle would have went for a mere nothing, but for Mr. Stephen Ward who bid liberally, and I really cannot see why any objection can arise, or any reflection be cast on that gentleman, (and much less so on his brother, Col. Ward, who to my knowledge had nothing further to do with it, than the interest of a brother,) for purchasing with his own money, property offered at public sale to the highest bidder. Hoping you will view the subject, touching the valuation and sale of the Choctaw cattle, with the discrimination and judgment which has always characterized your acts,

I remain, &c.,

WM. S. COLQUHOUN, *Special Agent.*

SAM. S. HAMILTON, Esq.,

Superintendent of Indian Affairs.

P. S. There are at this time here, and arriving hourly about four thousand emigrants.

DAWSON'S POST-OFFICE, CHEROKEE NATION,

November 20, 1831.

SIR: Enclosed you will receive a communication (marked A) from the

commander of the guards near this place, notifying me that Tesa Taeska wishes to enrol for the Arkansas country, provided the prosecution commenced against him for striking one of his townsmen for having enrolled, should be abandoned; as the officer of the guards is inclined to allow him the privilege asked for, it will be granted. You will also find a petition from several of the enrolled emigrants (marked B) praying that the Rev. D. O'Briant, with his family, shall be transported and subsisted at the Government expense to Arkansas. I have no power to grant the petition, but transmit it, that the department may take such an order thereon, as may seem most proper. Mr. O'Briant is the only missionary who has submitted to the requirements of Georgia voluntarily, or advocated the policy of emigration; although a man of moderate capacity, he is much esteemed as an honest, pious man, and a good citizen.

Dr. Reese, and R. Thornton, esq., whose apologies were transmitted in a letter to the department under date of the 13th instant, are still absent: Dr. Reese with his sick family, and Mr. Thornton at Milledgeville. I have, therefore, called on the Indian agent to come out and render assistance in the business of enrolment; but few have enrolled since my last, yet the spirit of emigration is obviously growing, and with energetic assistants, my former calculations must be realized, if not surpassed.

Dr. Reese's appointment is a judicious one, and he will be able to render efficient service, provided the health of his family improves, so as to admit of his absence from home.

* * * * *

By this day's mail I shall address Charles Gates, esq., of whom I have taken the liberty to speak heretofore, soliciting his aid; he has the good will and confidence of the Indians, as well as the whites; will the department confirm his appointment?

I have good reason to believe that the Legislature of Georgia will, in order to enable emigrants to dispose of their crops, stock, &c., authorize them to sell a preference right to abandoned places for the first year; also, pass an act to remove from within her limits all Cherokees who have, under any past treaty, received reservations. This will remove Judge Adair, Judge Martin, John Ross Taylor, and in fact, almost all the powerful men of this part of the nation. These two laws, if passed, will make a very large portion of the people emigrate before the close of the next spring.

I have the honor to be,

Very respectfully,

Your most obedient servant,

BEN. F. CURREY,

Supt. Cherokee In. removals.

ELBERT HERRING, Esq.,
Bureau of Indian Affairs.

A.

CANTONMENT DAWSON, Nov. 19, 1831.

DEAR SIR: Owing to the indisposition of Tesa Taesko, I concluded to permit him to remain here a few days under guard, till his ankle got better.

I availed myself of the opportunity to explain to him the humane and liberal policy of the Government of the United States; the great advantages that would result to the Indian people from their acquiescence in that policy; their oppression by their own head-men, &c. The result is, he has concluded, if you will come down and release him, to enrol immediately.

Please to come down immediately on the receipt of these lines, as it is unpleasant for a man to be crippled and in confinement; besides his situation has compelled his wife to come and attend on him, and her situation amongst a party of men must be disagreeable; but she seems an excellent good woman, and appears willing to undergo any thing to alleviate the afflictions of her husband.

In haste, I remain, dear sir,

Your obedient servant,

JACOB R. BROOKS,

1st Sergeant G. G.

Maj. B. F. CURREY,

U. S. Agent In. removal.

B.

HICKORY LOG, CHEROKEE NATION,

November 1, 1831.

We, the undersigned, who have enrolled our names to emigrate to Arkansas, and whereas Mr. O'Briant has been a teacher among us for a number of years, we do hereby petition that the said O'Briant and family may remove with us, and accompany us to our new homes, and be our teacher there, as he has been heretofore. Whereunto we have subscribed our names.

JOHN WRIGHT, his x mark.

AARON PARIS,

THOMAS CLYNE,

MOSES PARIS,

JOHN ALBERATT,

GEORGE W. PARIS, Jun.

To Maj. CURREY, U. S. Agent.

PHILADELPHIA, November 21, 1831.

DEAR SIR: I received your letter of the 17th instant, wherein I learned that you wished me to alter the percussion rifles, which are delivered, into flint locks. I called on the captain of the arsenal and received the percussion rifles back again; there is but two boxes of the last delivery, (20 rifles.) I can alter them into flint locks, on account of all my locks being made on a uniform system; still it does not make a good rifle to bush them with so large a plug. I thought best to exchange them. I have enough ready to make up the balance of my order, which is sixty rifles, including the twenty percussion. They are all ready for delivery. One of the inspectors is here: I spoke to him to examine them; he replied that he had no order until the head inspector (Mr. Tyler) would come on, which would be next week; being that the rifles are wanted, if you would write a line to me or the inspector, Mr. Sage, who is here, he would, no doubt, attend to them immediately.

Respectfully, I remain,

Your obedient servant,

HENRY DERENGER.

ELBERT HERRING, Esq.,

Indian Bureau.

PHILIPS, C. N., November 21, 1831.

SIR: Several families having possessions between Bright's line and that

reported by General Coffee, between the Creeks and Cherokees, wish to enrol and have those improvements valued and paid for by the General Government. Can this be done? If so, be so good as to inform me immediately. Coffee's reported line could not, without actual survey, be ascertained by the assessors. Bright's line is well known, and the Cherokees think themselves entitled to pay for improvements made by them, that far, where they have not already been relinquished formally.

I have the honor to be,

Most respectfully,

Your very obedient servant,

BENJAMIN F. CURREY,

Superintendent C. I. removals.

ELBERT HERRING, Esq.,

Bureau of Indian Affairs.

VICKSBURG, November 23, 1831.

SIR: I have received a communication from General Coffee, of Alabama, of the 8th ultimo, requesting me to convene the chiefs and head-men at the agency, as soon as practicable, as he, General Coffee, and Major Eaton, late Secretary of War, had some business of importance to communicate to them.

I have to inform you that previous to the receipt of this letter the head-men of the nation had left their homes on their way to the west. There is at this place about 3,000 at this time on their route to Arkansas, and will be, probably, six thousand this fall; Colonel David Folsom, Mingo Netuchache and others, are now here, and have seen and explained to them the desire of the President of the United States that the Choctaws meet Coffee and Eaton.

The answer of those who are here is that they are now on their journey to their new homes, and cannot be turned back. The chiefs will return to the old nation next spring, and will hear any thing that may be then offered from those gentlemen.

I will observe that I wrote to Generals Coffee and Eaton, that Mingo Mushulatubbe and Greenwood Leflore had not removed, and would be in the nation until next spring; if it was deemed advisable, these two chiefs and some captains could meet at any time that be named hereafter.

My opinion is that no important business can be done until next spring, as all the nation is in commotion at this time. However, I have advised Generals Coffee and Eaton to let me know what was expedient to be done, and due attention should be paid to their orders.

I have the honor to be, respectfully,

Your most obedient servant.

W. WARD, *Agent C. N.*

Hon. LEWIS CASS,

Secretary of War.

Extract of a letter from his Excellency John Pope, Governor of the Territory of Arkansas, to the Hon. Secretary of War, dated,

"LITTLE ROCK, November, 24, 1831.

"I beg leave to refer you to my letter of June, 1829, to the head of the War Department, in relation to three or four hundred Quapaw Indians,

the greater part of the tribe who returned here several years ago from the Red river, the country allotted to them in their treaty with the United States. I do not know that they have ever received the annuity stipulated in the treaty. Since their return to this river, they have made many talks to me, and, through me, have made several appeals to their great father, the President. Please to read my several letters, disclosing my views to the Government, in relation to those Indians. They are a poor, honest, and inoffensive tribe, and have some claim to the sympathy and generous feelings of the nation. A set of Shawnees and Delawares are settled on White river, in the present county of Izard, under some contract or arrangement with the Cherokees, who have since ceded the land to the United States. These Shawnees and Delawares still remain with farms and stock, and hunt in the territory. These Indians, and the white people of Izard county, have frequently applied to me for my interference. The Indians wish to remain where they are, and the white settlers are impatient to get them out of the territory. Six or eight camped with me for several days last year, and I wrote to the citizens of Izard county to forbear until the President or Secretary could be heard from. I have succeeded thus far in keeping things quiet. The representatives from Izard county have lately pressed me with much earnestness to do something on the subject; and I have promised to urge it on the consideration of the President and yourself, and hope to receive some definite instructions concerning them. Their number is small, but they have some good farms on the best lands, and considerable stocks of horses, cattle, &c. The white people have lately complained to me of their hunting and killing the game in different parts of the territory. Shall I have them driven out of the territory? To what place shall I direct them to go? Will you treat with them, and hire them to remove, as the manner is, or what is to be done? I have carefully avoided any and every step calculated to create a sensation among the Indians, which could, in any degree, tend to check the disposition of the Indians east of the Mississippi to emigrate to the west. A most mischievous bill passed both houses here at their late session, providing that no person having one-fourth Indian blood, should be a witness in any civil or criminal case against a white man: with difficulty I defeated it by my veto. Had it passed into a law, it would have had a most unfortunate influence on the temper of the emigrating Indians. A white man might have gone into their country, committed murder, or taken their property with impunity; no competent proof could have been adduced against the offender. I know you understand all these subjects, connected with our Indian relations, better than I do; and I therefore feel a confidence that you will give them prompt consideration."

ST. LOUIS, MISSOURI, *November 28, 1831.*

DEAR SIR: Your letter, dated the 4th ultimo, was duly received, and, on the 16th, I succeeded in putting in motion the Seneca tribe, except a small party which had started by land some time before. We have arrived here, and General Clark has made arrangements to forward us to the lands assigned these people. I fear they will suffer much on account of the lateness of the season, on their journey, and after their arrival at their destined home.

My expenses I discover to be almost equal to the allowance made me and therefore think it reasonable that a compensation should be made for my laborious services in preparing the Senecas for their journey; or that General Clerk be instructed to credit my expenses in settlement with him. Should either course be adopted, you will confer a favor by advising him of it immediately, that I may be able to procure and remit to my family, some necessary funds, which, otherwise, will be out of my power to do.

Our journey from Seneca village to Dayton, (which place we reached on the 5th instant,) was one of extreme suffering. We were exposed to almost incessant rain and severe cold; and, on some days, could only travel four or five miles, on account of bad roads. What we shall yet suffer, on being thrown into the wilderness, in the midst of winter, you may readily imagine.

In order to prevent injury to the valuable improvements left by the Senecas, at the request of the chiefs, I placed them in the hands of honest men, binding them to preserve and keep them in good repair. Some villains, as I have been informed, since my arrival here, knowing that I had no authority from the department, have commenced the work of destruction, carrying off windows, doors, brick and stone from the chimneys, fruit trees, flooring, fencing, &c. Should this not be stopped, the improvements will add but little to the value of these lands when sold. Any authority which you may think proper to give me as superintendent, until these lands are placed into the hands of proper officers for sale, will prevent further depredations, and confirm what I have already done to preserve them. Should this course be adopted, please direct to Fort Ball. It will fall into the hands of some of my friends, who will use the necessary means to prevent further injury. No compensation will be required for this service.

I have the honor to be,

With great respect,

Your obedient humble servant,

HENRY C. BRISH,

Sub Indian Agent.

Col. S. S. HAMILTON.

SCUDDER'S, CHEROKEE NATION,

December 1, 1831.

SIR: Yours of the 26th October came to hand a few days ago, and it affords me pleasure to learn that my communications of the 1st and 7th were regarded by the department as full and satisfactory. So soon as a sufficient number are in readiness to compose the first detachment of Cherokees, I will, in compliance with your orders, set out in company with them.

Having found a considerable reluctance existing with the Cherokees to enrol, unless payments were guaranteed for abandoned improvements prior to their embarkation on board of the boats, notwithstanding the desire of the department, expressed in my instructions, to postpone these payments till they should reach their new homes, I feel myself fully authorized to say in the language employed in the 8th article of the *projet* submitted by the Secretary of War, and approved by the President, "this point must be yielded, if made an indispensable prerequisite."

The delay experienced by previous emigrants in obtaining money due for

abandoned property, and a multiplicity of debts hanging over them, for the liquidation of which they have no other prospective means, form the ground and reasons for this requirement, although there appears to be the strongest possible reasons for postponing these payments for the present, on account of the supposed improvident character of the Indians, still, from the circumstance of most of the emigrants being indebted to men who will not allow them to depart for so distant a country, without first adjusting their debts, I am impressed with the belief that the business of emigration will thereby be very much embarrassed, should a discretionary power not be given to the agent here to pay money according to their supposed necessities; not exceeding, of course, in any case, the amount at which their abandoned premises may be valued, crediting the certificates therewith, or notes. If that plan should be adopted, this course would in all probability prove acceptable to most, if not every emigrant.

Mr. Thornton, on the 25th ult., again reported himself for duty, after an absence of several weeks. Dr. Reese is still in Georgia, attending his afflicted family. In their absence, on the 20th ult., I employed Mrs. Ruth Philips to aid in the business of enrolment, at four dollars per day, and Joseph Philips, her husband, as clerk, at one dollar and fifty cents per day, they bearing their own expenses. The influence of these people is considerable in the nation, and I am flattered with the opinion that they will be able to effect much for the benefit of their people and the promotion of the views of the General Government, could this temporary appointment be allowed to stand subject to discontinuance whenever it may seem to me their services can no longer benefit the public. The Philips family received a reservation by the treaty of 1817 or 1819 for six hundred and forty acres of land lying in Tennessee; and had, in order to perfect their title, to pay one dollar twenty-five cents per acre to the State, which they think the General Government in honor bound to refund to them. At the time they consented to enrol themselves, and aid in enrolling others, I agreed to bring this matter before the President, and should they be justly entitled to be refunded, saying it would be done without hesitation.

Tesa Taeska, a member of the late council, enrolled himself and family to avoid a prosecution for striking an Indian for enrolling. He is a man of influence, and has agreed secretly to do all in his power to aid in promoting emigration, at one dollar per day. I am well satisfied that these sources will afford more efficient aid than could be obtained from the same number of Georgians at any price, except Charles Gates, of whom I took the liberty to speak heretofore. No Georgian is generally well spoken of by the Cherokees; they have the least imaginable influence on the subject of emigration.

I have the honor to be,

Most respectfully,

Your very obedient servant,

BEN. F. CURREY,

Superintendent Cherokee Indian removals.

ELBERT HERRING, Esq.

WESTERN CHEROKEE NATION,

Agent's Office, December 1, 1831.

SIR: I am requested by Major John Jolly, the principal chief of the

western Cherokees, to inform you that the following persons, viz., Major Alexander Saunders, Blackcoat, second chief of the nation, Captain Raincrow, Captain John Rogers, jr., and Mr. Andrew Vann, have been duly appointed a delegation, and properly authorized to transact business for the nation. Mr. Edward Hicks is appointed their secretary; and it being the particular wish of Major Saunders and the choice of the delegation, I am informed by the principal chief that the appointment of Capt. James Rodgers, as interpreter to the delegation, has been approved.

The principal chief, Major Jolly, also informs me that by a decree of the national council of November last, he is authorized to appropriate the next annuity for 1832, to bearing the expenses of the delegation, and therefore requests of me to draw drafts in their favor; but the general instructions for my government do not afford me the privilege. I have, therefore, with a view to enable them to proceed, advanced to the nation five hundred and fifty dollars, which may be deducted from the next annuity and placed to my credit, should it meet the approbation of the department.

The instructions given to the delegation by the principal chief, and addressed to the President of the United States, will exhibit to view all that has been presented to my consideration.

I have, &c.,

GEO. VASHON,

Agent Cherokees west.

Hon. LEWIS CASS,

Secretary of War.

NEW LEBANON, OHIO, *December 1, 1831.*

SIR: I beg leave to call your attention to a subject of some importance, that you may be apprized, as soon as possible, of the insidious and highly censurable measures, which certain evil-disposed persons are taking to thwart the benevolent policy which the Government is pursuing towards the Ohio Indians.

I enclose you a copy of a letter from Colonel McElvain, which gave me the first *certain* information I had on the subject. * * *

I wrote, in reply to Colonel McElvain, requesting that *all* the Shawnee chiefs, both of Waupaghkonetta and Hog creek, and also the chiefs of the mixed band of Senecas and Shawnees, residing at Lewistown, should be assembled at the house of Colonel James McPherson, near Lewistown, as soon as convenient; and I would repair thither to meet them, and make any desired explanations respecting their treaties, and repel any misrepresentations that may have been made, for the purpose of creating discontents among those Indians. * * * I now fear that it will be useless for me to go, as the chiefs therein named will have departed for Washington before I could possibly reach Bellefontaine.

Nothing would be more easy than to satisfy the *honest* chiefs of the Shawnees of the fallacy and falsehood of the representations which have been made respecting the conditions of their treaty. The terms are precisely such as they asked and wished, and were highly gratified with. The price agreed upon for their improvements, was stipulated by the chiefs themselves, without a cent of reduction. They were offered the choice of

having their improvements appraised by judicious men, or of receiving a specific sum. It was not important, as you well know, sir, *what that sum should be*, (provided it came within the amount which would *certainly* accrue from the surplus, to which they would be entitled, of the sales of the ceded lands;) further than this, that as the improvements were to be paid for *in advance*, the Government should not grant a sum so large as to make the *interest* upon it an item of much consequence in the contingent expenses of the treaty. It was also my opinion that it would be an injury to the Indians themselves to give them more money than was actually necessary for their exigencies, before their departure from this country, as they would thereby indulge, to a greater degree, their known propensity for running in debt, and squandering the funds necessary for their future comfort.

The report mentioned, as originating with the teacher at the Quaker mission, that the price of the *presents* given in the treaty, is to be reimbursed from the sales of the lands, is utterly groundless, as will be seen by reference to the original treaty in your possession.

The misrepresentations and falsehoods which have produced those discontents among the Shawnees, may, I think, be traced to causes sufficiently obvious.

George Johnson has been a travelling and petty trader, among the Shawnees of Ohio, for the last twelve years. At the payment of their annuities in 1830, he set up a claim against the tribe, and was asked by Colonel McElvain, at that time, what was the *whole amount* due him by them. He stated it at *fourteen hundred* dollars. He attended my several councils with the chiefs at Waupaghkonetta, and was present during the whole time of the treaty. In occasional conversations with myself and others, he expressed the highest approbation of the policy of the Government, in relation to the Indians of Ohio, and appeared much pleased with the very liberal terms offered to the Shawnees. On the day the treaty was to be signed, and after it had been copied and prepared for the signatures, the chiefs, *resident at Waupaghkonetta*, were engaged for nearly half the day in private council, among themselves, in a cabin-loft, near the council-house. The chiefs of Hog creek, (by far the most prudent and honest men among them,) knew nothing of the deliberations of those of Waupaghkonetta; neither did Joseph Parks, the regular interpreter, and a very correct man. After a long time, a young chief of Waupaghkonetta, called Henry Clay, came to me, and requested a private interview at my lodgings. I went with him, and inquired the cause of the long private council, which he and the other chiefs had been holding. He began cautiously, by saying it was a business of "*great importance*," and I must not mention it, upon any account, to Parks, nor to the chiefs of Hog creek. He then drew from his pocket a paper, written by George Johnson, and witnessed by Francis Duchoquet, the former interpreter, to which the chiefs, living on the Waupaghkonetta reservation, and two or three other Indians of that place, had affixed their marks. It was written and signed at St. Mary's, and purported to be a final settlement of all the dealings between said Johnson and the Shawnees; in which those chiefs acknowledged that the tribe owed him "*twenty thousand five hundred and ten dollars*." Clay said that "something must be done in it, or he feared the treaty would not be signed;" and asked me what I could do. There was no difficulty in seeing into the gross

fraud which Johnson was about to practise, if he could. I had no doubt, either, that the chiefs of Waupaghkonetta had been bribed, or promised rewards by him, to connive in cheating the tribe. I told Clay at once that I could not think of guarantying the payment of such a sum out of the surplus avails of their lands, without the best evidence, and the public consent of all the chiefs. I found, however, that unexpected difficulties were coming in my way, and might frustrate all my previous exertions. I, therefore, agreed, as the only *relief* I could give Mr. Johnson, that, *after the treaty was signed by all the chiefs*, if those who wished to grant his claim would come before me and acknowledge that they had signed *his paper*, understanding its contents, I would certify to the *fact of the acknowledgment* on the back of the claim; and that he might then make any use of it he pleased. Clay went immediately and informed Johnson of my offer. And *he* soon afterwards came to me, and professed himself to be perfectly satisfied with that course. The *whole* of the chiefs again met in public council, and the treaty was regularly signed and witnessed, after having been, for the second or third time, carefully read in English and interpreted by Parks to the Shawnees. Most of the male part of the tribe were present, besides a great many citizens from the adjoining counties.

On the next morning after the treaty, Johnson, in company with the Waupaghkonetta chiefs, called on me; and I certified, on the back of his pretended claim, in the manner I had promised: taking care in the conclusion of the certificate, to say that I had no personal knowledge of Johnson's dealings with the Indians; nor was my certificate given to establish any claim he might have against them.

Since the treaty, the foregoing circumstances have become generally known, and there is but one opinion on the subject—that it was a base and bungling attempt to swindle the Shawnee tribe out of a large sum of money, by the bribery of some of their chiefs. I think it not improbable that they owe Johnson a thousand or fifteen hundred dollars, but not more.

Johnson acknowledged that he had no books, nor even a bill of items to show, to give color to his claim, and he now discovers that *my certificate* can avail him nothing. Hence *his* motives for attempting to misrepresent the terms of the treaty.

* * * * *

I have thought the foregoing details necessary, that you might be prepared for the reception of the misguided and deceived chiefs who are about to visit you. I am glad that Parks has determined to go also. I have found him a truly honest man, and very efficient officer. He will, I have full confidence, tell you the truth in all his statements.

I am anxiously awaiting the return of the Wyandot exploring delegation, and shall, immediately thereafter, proceed to Upper Sandusky to close the duties of my mission, and repair, as soon as I can, to Washington, to settle my accounts.

The answers to some letters written by me to the department, in October, *from Cincinnati*, were unluckily sent to that city, and from thence forwarded to *Tiffin*, my late residence, and have not yet reached me. This, I hope, will account for any apparent neglect on my part. For the sake of the health and comfort of my family, I have removed to this place; and you

will have the goodness to have any future official communications for me directed here.

With great respect, I have the honor to be,

Your most obedient servant,

JAMES B. GARDINER,

Special Agent, &c.

Hon. LEWIS CASS,

Secretary of War

COLUMBUS, *November 24, 1831.*

DEAR SIR: I understand that * * * * * have at length succeeded in souring the minds of the Shawnee chiefs of Waupaghkonetta against the details of the late treaty concluded with them, and that the principal chief, John Perry, Weweelepee, Henry Clay, &c., with Duchoquet, are going to Washington to have some alterations made in the same.

By what I am able to learn on the subject, the chiefs have been imposed upon; and that the treaty has been misrepresented to them, and that they believe that the costs of all the presents promised in the treaty is to be refunded by them, &c., &c.

I considered it to be my duty to acquaint you with the dissatisfaction said to prevail with the chiefs, before I took any steps to reconcile the matter; and indeed, as I have no copy of the treaty, and as I have forgotten many of the details thereof, I think it very doubtful whether I could explain it to their satisfaction, so as to satisfy their minds on the subject; and further, I have not yet recovered my health, and I am more than half my time confined to my bed. It would, therefore, be impossible for me at this time to travel to Waupaghkonetta: but if it is not convenient for you to visit the chiefs, by being made acquainted with the fact, I will forthwith send for them, and endeavor to convince them that they have been imposed upon, and that their treaty is, word for word, as it was explained to them at the time it was made.

Very respectfully, your most obedient servant,

JOHN McELVAIN.

Colonel JAMES B. GARDINER,

Special Agent, &c.

CHOCTAW AGENCY, *December 3, 1831.*

SIR: General Coffee and myself are here, but have yet done nothing. The high waters and bad weather have prevented the arrival of the Indians. The Chickasaws are at hand. Coffee passed through their nation, and the consequence was the swimming of many creeks. During the ensuing week, it may be in our power to make known to you if any thing be practicable. I greatly distrust any benefit from our mission, as a large number of the Indians are gone over the river. Two chiefs are behind, Mushulatubbe and Leflore. The former is at hand, the latter is expected in two or three days. An express has gone for him.

The country is full of speculators on Indian titles. We have a letter from Susan Colbert, the separated wife of Jones, to whom a reservation was accorded. Other similar complaints will come before us. We shall for-

ward them on, that they may be placed on file in the War Office for examination, and your consideration hereafter, when all those sales shall be before you for ratification. To consider of such applications, one at a time, as they come in, would give much trouble and inconvenience. A better plan would be to have them all filed in the War Office; and, hereafter, when the titles are all come up, for consideration, to have a report from the Indian Bureau.

With great respect,

J. H. EATON.

JNO. COFFEE.

Hon. LEWIS CASS,
Secretary of War, Washington.

TOHISKISH, C. N. November 23, 1831.

In the treaty with the Choctaw Indians you will, no doubt, recollect that a reservation of a section of land, under the title of a *floating claim*, was granted to me as a native of that tribe. Shortly after the ratification of that treaty application was made to me by two men, professedly my friends, to dispose of my claim. Being ignorant of the real value of lands, and having no one to advise with me, I sold it on the following terms, viz., for \$1,500; \$200 of which were paid down, and for the remainder I am to give a credit of one, two, and three years. I have since learned that the above sum is not more than one-half the value of my claim; and, in the contract, I am defrauded out of at least \$1,500. The object of this letter is to beg of you, as the friends of justice and of the helpless, to interpose in my behalf, and prevent the effect of the imposition thus practised upon me. I hope you will write to the President, and use your influence with him to rescind the contract, or to refuse to sanction a deed, by which I am likely to be defrauded out of my just rights.

Your compliance with the above request will confer a special favor on your friend, and humble petitioner,

SUSAN COLBERT, her x mark.

Attest: L. M. JAMES.

Generals COFFEE and EATON.

ALLEGHANY ARSENAL, PA., Dec. 3, 1831.

SIR: I have the honor to enclose a contract made with Mr. John Dickson for five hundred ploughs.

I am, sir, respectfully,

Your obedient servant,

R. L. BAKER,

Major U. S. A.

ELBERT HERRING, Esquire,
War Department.

This agreement, entered into this ninth day of November, 1831, between John Dickson, of the city of Pittsburgh, of the one part, and Major R. L. Baker, for and in behalf of the United States, acting under the authority of

the hon. Secretary of War, of the other part, *witnesseth*: That the said John Dickson hereby agrees and binds himself to construct for the said United States five hundred ploughs, of the same kind as furnished by him under contract, dated July 6, 1831; and to have the same completed and delivered on board a vessel in the river, at Pittsburgh, at such time next spring, after the 20th March, as he may be required to do by the War Department. The quality of the materials and the terms of inspection, as also the price as fixed, if delivered at Pittsburgh, and the payment of said ploughs, to be the same as stipulated in the contract before referred to, between the said John Dickson and Major R. L. Baker, for the United States; and to which reference may be had.

In witness whereof, we have hereunto set our hands, at the Alleghany arsenal, this ninth day of November, 1831.

R. L. BAKER, *Maj. U. S. Army,*
For the United States.

JOHN DICKSON.

In the presence of

VIRGIL DAVID.

To insure the fulfilment of the foregoing contract, we, the subscribers, do hereby, jointly and severally, hold ourselves bound to the United States of America in the sum of one thousand dollars; which sum we promise to pay to the said United States in case of failure on the part of the contractor, John Dickson, to comply, in all respects, with the terms of the foregoing contract.

WM. LOCKY,
THOMAS DICKSON.

MEDINA, N. Y., *December 5, 1831.*

SIR: I have herewith sent a requisition on the Department of War, for Indian affairs, for the money required at this agency for the year 1832, as follows, viz.:

Requisition for the year 1832.

1. Pay of sub-agent,	-	-	-	-	\$ 500 00
2. Pay of interpreter and translator,	-	-	-	-	400 00
3. For provisions and distribution,	-	-	-	-	300 00
4. Contingencies of Indian department,	-	-	-	-	100 00
5. Young King's pension,	-	-	-	-	200 00
6. Transportation of annuity goods, (in consequence of removal of Indians to Green Bay, is increased,)	-	-	-	-	200 00

1,700 00

I have respectfully to request, that the department will forward to this agency the balance which may be due for the last quarter of the year 1831.

Complaints have been made to me, of late, by the Indians, that encroachments are made upon their lands by the whites; but, in consequence of there being no survey of the different reservations, it is impossible to determine which of the parties are trespassers, without a resort to contested suits. It consequently seems to be necessary that a survey and maps should be made of the different reservations, which would enable their agent to determine at

once which of the parties are trespassers, and quiet the minds of the Indians, without a resort to legal and contested suits.

I have, therefore, respectfully to ask of the hon. the Secretary of War, that instructions may be given for making a survey and maps of the Tonawanda, Alleghany, Buffalo, and Cattaraugus reservations, and that an appropriation be made for that purpose. In a few days will forward an estimate of the probable expense of such survey and maps.

I have the honor to be,

Very respectfully, sir,

Your most obedient servant,

JUSTUS INGERSOLL,

Superintendent Six Nations New York Indians.

ELBERT HERRING, Esq.,

Office of Indian Affairs.

[*For John McElvain's Letter, Dec. 8, 1831, see page 652, ante.*]

CHOCTAW AGENCY, *December 11, 1831.*

SIR: Agreeably to your instructions we repaired to this place, where we were met by a delegation of the Chickasaws, and by one of the chiefs and many of the principal men of the Choctaws. We endeavored to explain, and did explain fully, the wishes of the President, that they should unite, or that a portion of their country might be conceded to the Chickasaws. Neither tribe appears disposed to act. The principal difficulty seems to be an apprehension that the country lying north of Red river is not sufficient for both nations.

We have fully instructed our red friends upon this subject, and on our return home intend to have our talks printed and circulated amongst them, that the merits of our proposal may be comprehended fully, and their situation, as it relates to the laws of the States, thoroughly understood. In the mean time some of the principal men, who have gone over the river, will return, and bring with them full intelligence of the extent, fertility, and resources of their country to the west.

Our meeting was not such as that any thing conclusive could result. But one chief was present; the second had gone over the Mississippi; and Leflore, the most important and governing man in the nation, had not been notified by the agent, as he had been requested to do, and hence did not attend. After our arrival here, an express was despatched for Col. Leflore, but the short notice given prevented him from coming. We have understood he is in favor of admitting the Chickasaws to a participation of their country. His opinion will be worth much, and have great influence with others of his nation. How and on what terms they shall unite, though, will be the difficulty to be settled.

The Chickasaws are reluctant to part with power, and hence will be unwilling to become merged with their younger brothers. We have endeavored to satisfy both, that the true policy is to divide their country into four districts; (at present the Choctaws have three;) each district to be under its own chief, and the whole to be under the direction of a general chief, acting with special and delegated powers. We do not think it improbable but that the suggestion may be adopted, and the two tribes be associated as the "United Nations."

We have sought to be as economical as possible, and have incurred no expense that reasonably could be avoided. The badness of the weather and the high waters caused the Indians to come in slowly, and retarded greatly our progress in business. Our disbursements will speedily be laid before you for your consideration, and we indulge the hope that you will be satisfied that every necessary and proper economy has been consulted.

With great respect,

J. H. EATON,
JNO. COFFEE.

Hon. L. CASS, *Secretary of War.*

HOUSE OF REPRESENTATIVES, *December 11, 1831.*

SIR: I beg leave to call your attention to the enclosed communication of Colonel Leflore, in relation to the claim of Mr. David Cochnaur. Your attention to this subject will confer a favor on

Your most obedient,

F. E. PLUMMER.

Hon. SECRETARY OF WAR.

CHOCTAW NATION, *October 25, 1831.*

DEAR SIR: In examining the copy of the register left with me, and also the copy left with Colonel Ward, our agent, I have ascertained that, through some unintentional cause, Mr. David Cochnaur has not been registered for the claim to which he was entitled under the treaty. I can and do hereby certify, that Mr. Cochnaur has been a citizen of the Choctaw nation for twenty-eight years; that he cultivated, during 1830, seventy-five or eighty acres of land; that I was present with Colonel Armstrong when he surveyed the same, and to which Colonel Armstrong will testify; and, as a head of a family, that he is entitled to a reservation of one section of land. Said class of section claims has not been filled; and, if you will have Mr. Cochnaur's name registered on the section list, or if that cannot be done, advise him what course to pursue in order to secure it, you will be doing justice to him and his family, and confer a great favor on,

Very respectfully,

Your obedient servant,

GREENWOOD LEFLORE,

Chief of Choctaw Nation.

To LEWIS CASS, *Secretary of War.*

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, December 12, 1831.

SIR: In compliance with the views of the department, as expressed in Mr. Hamilton's letter of the 1st September, I have endeavored to adjust the matters of which the Pottawatamies and Ottaways of Illinois river have complained in their several addresses to the Government.

Those bands have reluctantly agreed among themselves to remove to their lands, and a deputation of their several bands have promised me that

they will move in the spring to Rock river, within their limits. They request that the census of the different bands forming their tribe may be taken, in order that those entitled to annuities may receive their full proportion. This I beg leave to recommend may be done, and that the agents be instructed on the subject.

As I was not authorized to give or promise those unfortunate people any thing specific, I could only say that I would ask of you some assistance in provisions, and in moving also, after they shall have settled at their contemplated villages on Rock river. And, in accordance with the view taken in Mr. Hamilton's letter of the 6th October, I will observe that, in my opinion, those bands should be allowed provisions, in meat, corn, and meal, until they can raise corn, &c. Some assistance in preparing the fields and payment for fifteen horses, which they claim as taken by the whites, should be allowed them; also, something to cover the nakedness of their families, for which I have taken the liberty of enclosing an estimate.

Please favor me with an answer as early as convenient, as it will be necessary to put those Indians in motion as early in the spring as possible. They are now hunting among the settlers on the Illinois; where they are determined to remain, if the settlers will permit them, until they are enabled to move in the spring.

I shall give those distressed people a part of my allotment of presents and provisions, to sustain them until they can move.

I have the honor to be,

With very high respect and esteem,

Your most obedient servant,

WM. CLARK.

The Hon. LEWIS CASS,

Secretary of War.

P. S. Enclosed is the substance of the talk with the Pottawatamies, &c., in council.

ST. LOUIS, *December 12, 1831.*

Estimate of the necessary expenses attending the removal of the bands of Pottawatamies, Ottaways, and Chippewas, of Illinois river, to their lands on Rock river, and for assistance in provisions after their removal, until they can raise corn, &c., viz.:

Provisions,	-	-	-	-	\$ 6,000
Preparing fields, &c.	-	-	-	-	1,000
Assistance in moving, transportation, &c.,	-	-	-	-	400
Agricultural implements,	-	-	-	-	200
Pay for fifteen horses,	-	-	-	-	500
Presents,	-	-	-	-	1,500
					\$ 9,600

WM. CLARK.

The following embraces the substance of what was said in a council held by Gen. Wm. Clark, at St. Louis, November 2d, 4th, and 5th, 1831, with the Ottaways, Pottawatamies, and Chippewas of Illinois river. The principal Indians present were Chose-que-mong, or the Bald-headed-eagle-that-catches-fish; Naun tay, or Thunder-stone; and the son of Senajawin, Pottawatamies; and Shamble and his brother, Ottaways.

Naun-tay. My father: our former talkshave, we are told, reached our great father, the President. We are sorry to learn that we are expected to leave the lands the Great Spirit so bountifully bestowed upon us. We have never consented to the treaty which deprives us of the country of our fathers—the country and home of our infancy. But the white man wants it, and the rights and feelings of the red skins are forgotten. If we give up our country, where shall we procure a subsistence for our women and children? We cannot, will not go to the lake. Game is there scarce. Does our great father wish to see his red children starve? If we go to the lake, we shall all, in a few years, be no more—we shall be done. The Great Spirit placed us here equal with the whites; why then should they attempt to wrest our country from us, or why should we be so foolish as to give it up? We are told that we have sold it. This is not true. The foolish people who pretended to sell it, had no right to it. My name is not on the treaty which sold our lands.

My father: you have a family; you wish to support them; could you bear to see your children hungry? We, too, love our women and children; why then will you ask us to go where they will cry for want of something to eat. The foolish people who sold our land, thought not of their women and children, or of those who come after them.

My father: we want permission to hunt this winter as far south as the Sangamon. We will not disturb the settlers. We only want to hunt our game; we call it ours, for the Great Spirit made it for the red skins. We want also Mr. Holland again as our smith: we have now no one to mend our guns, our hoes, or axes.

My father: if our lands are taken from us, we should at least receive a just share of the annuity. From the way the annuity has been divided, we think we have lost \$8,000. When Senajawin first went to Chicago, he received only \$1,000 for the three nations of the Illinois river; the next year we received, man, woman, and child, only \$4 50 each. But we do not wish to go to Chicago; it is attended with much inconvenience and sickness; this year we lost our principal chief, (Senajawin) by going there; we want our great father to authorize an enumeration of *all* who are entitled to a share of the annuity: and we wish to receive our portion at some point on the Illinois river, or on our own land. If this cannot be done, we wish our great father to allow us to send some individual of our own selection to Chicago, and receive our portion.

My father: we have had several horses stolen from us by the whites. One of our young men had also peltries worth \$10, and another had a gun taken from him by white men. When the white people come among us, we do not treat them so.

My father: your people often take our young men by the throat and beat them. This ought not to be so. We are flesh and blood; we are men like you, and should not be treated like dogs.

My father: what I now saw to you is what all our people think; they are

not only my words, but the words of all, and I have only told you what my chiefs have desired me to say. We want you to send this, our talk, to our great father, the President, and when he sends an answer, let us know his words, through our friend Menard.

My father: have pity on our women and children.

General Clark told them he was sorry to find they still objected to the treaty of 1829; that he was anxious to do justice to them and to the Government, but it was not in his power, or even that of the President, to alter a treaty. It was their own fault if they were not represented when that treaty was made, for they had been duly notified to attend. At all events, it was now too late to object; they had much better make up their minds at once, and resolve to move next spring within their own lines, and devote as much of their attention as possible to agriculture. Repining and complaints were useless, and they had much better avail themselves of the kindness and friendship of their great father, the President. He would, he said, send on their talk to the President, as requested. He would also recommend such assistance as he thought would be serviceable to them in removing, and after they had arrived on their own land, together with something to give to their women and children. He could not grant permission to hunt as far south as Sangamon, or within any part of Illinois—he had no power to do so. The best way to avoid conflicts with the whites, would be to remain within their own country, and keep clear of the settlements; that by a judicious application of their portion of the annuity, they would soon become comfortable, and have plenty to eat. Game was becoming scarce every where, and they must, like the whites, turn more of their attention to agriculture, if they wished to prosper.

The council then adjourned.

FRIDAY, November 4, 1831.

This day same tribe met again in council.

Chose-que-nong. My father: we have met again to talk; I will speak to you a few words.

Father: we have talked over our business among ourselves, and cannot find in our hearts to move away from the lands given us by the Great Spirit. We want you to consider well of this matter, and not drive us away like wild beasts into the wilderness. We are useful to the whites near us. We catch the raccoons and other vermin which infest their corn fields; and this helps us to clothe our women and children. 'Tis only bad men in those neighborhoods who wish to drive us away.

My father: our words must be the same as the day before yesterday. We cannot consent to go; we dare not agree to this: but we hope the words spoken at our first meeting have not given any offence. It is not our wish to offend you, for we know you are our friend.

General Clark then observed, he was very sorry they had come to such a determination. He repeated the substance of his former remarks, and pointed out the advantages which they must experience by pursuing the course recommended to them, as well as the folly of their conduct in opposing the wishes of their great father, the President, and the inconvenience which they must necessarily incur by adhering to this determination; and that as they had come to this determination, it was unnecessary for him to say any more on the subject.

The council then adjourned.

SATURDAY, *November 5, 1831.*

Council again met.

Chose-que-nong. My father: We have again deliberated. We have counselled together nearly all night. We have recollected that your counsel and advice to us have always been the best, and we have agreed to move to Rock river, on our own lands. But, my father, if we should wish to hunt on the Sac lands, will we be permitted to pass through the white settlements on the Mississippi?

The general informed them that he could not permit their frequent passage through those settlements, although the permission of any agent of the Government would be sufficient; but he could not allow them to hunt on the Sac lands. The right to do so was vested in the Sacs themselves by the treaty of Prairie du Chien: if that could be obtained, he had no objection.

The council then adjourned.

ST. LOUIS, *December 13, 1831.*

DEAR SIR: In conformity with your instructions of November last, I started with the Seneca Indians under my charge; but, in consequence of the extreme coldness of the weather, progressed but slowly upon our journey. On our arrival at St. Charles a considerable number were found to be too unwell to be moved further, and one woman died; fourteen were left. With the residue I continued the journey to within four or five miles of Troy. There two others died, and nearly the whole number became more or less unwell. A number of the children had their feet and hands frozen, and many of the teamsters who accompanied us suffered severely in the same way. Finding ultimately that we could proceed no further, I pitched an encampment on Quiver creek until a suitable time for the journey shall arrive.

Messrs. David and Samuel Baily, contractors to remove the Senecas to their lands, were both taken ill soon after they reached Troy. Myself and the friends who accompanied me have all been sick, and have suffered much with the cold. The services of either Col. Baily or his brother, would have been absolutely necessary to me in the trip.

I have made an arrangement with Col. Baily to furnish the necessary provisions to my Indians during their stay at their present encampment, and have also contracted with him to supply them for the first six months after they arrive upon their lands, on terms which I consider reasonable.

I beg leave, respectfully, to submit those reasons, for the course pursued in this matter, to your consideration.

Your obedient servant,

HENRY C. BRISH,

Sub Indian Agent.

General WILLIAM CLARK,

Superintendent Indian Affairs, St. Louis.

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, December 14, 1831.

SIR: A deputation of the bands of Shawnees, originally of Cape Gir-

ardeau, now residing on White river, in Arkansas, have lately visited me, with a request from their bands to allow them to settle on the Verdigris, a branch of the Arkansas, between the Creeks and the Osages, which they say is not assigned to any nation of Indians. Lands have been assigned to those people on the south of the Kansas river, on which the Shawnees from Ohio have settled. Those from Arkansas object to a residence so far north as Kansas river. I have not a copy of the cession to the Creeks, and cannot positively say that the small tract asked for by those Shawnees is within it or not. They say the Creeks are anxious for them to settle at the place they have selected, and that they do not own the land. If they are permitted to settle on the Verdigris, they will all move from Arkansas immediately.

Please to inform me whether those Shawnees will be permitted to settle agreeably to their request? and if a small tract will be assigned them on the Verdigris.

I have the honor to be,

Very respectfully,

Your most obedient servant,

WM. CLARK.

The Hon. LEWIS CASS,

Secretary of War.

ST. LOUIS, *November 20, 1831.*

OUR FATHER: We, a deputation of about 400 of your children of the Shawnee nation, would respectfully lay our situation before you.

For the last forty years we have resided in Upper Louisiana, entirely distinct from that portion of our people who are now settled on the Kansas river. While they were engaged in war against the United States, we were peaceably following our usual occupations for the support of our families. So long a period has elapsed since we separated from them, that there is now but little of a common feeling of blood and friendship existing between us and them. Besides, they are settled in a country of very limited extent, and a climate colder than we have been accustomed to, or wish to live in. They are also surrounded by people strangers to us. We therefore ask of you to grant us a piece of land on the Verdigris or Six Bulls, Arkansas, in exchange for such portion of the land on the Kansas as we are entitled to agreeably to our numbers. The land we ask for, is not claimed by any Indian nation; part of our people have been there for years; and many of our relatives, the Shawnees of Ohio, have told us that they will join us if we succeed in procuring the land we now ask you for.

We sent by our people to see our father, Gen. Clark, and state our wishes to him; but he says that he has not the power to grant our request, and he tells us to apply to you as the only person able to assist us.

Our father: have pity on us; take our situation into consideration, and send us a favorable answer.

PAI-THUCK-OO-SAW, or *Rabbit*, his x mark.

SENAI-WAI-PI-CHI-QUA, or *Crane*, his x mark.

SAI-LAW-SI-QUA, or *Turtle*, his x mark.

CHAI-WAY-NACK-KAW, or *Panther*, his x mark.

To the PRESIDENT OF THE UNITED STATES.

CHEROKEE AGENCY, *December 14, 1831.*

SIR: Communications from the department, under date of the 15th, 21st, and 24th ultimo, I received on my arrival at this place last Monday. The orders therein contained shall be strictly adhered to by me until countermanded by the proper authorities.

Captain McClintock, agent of removals and subsistence, is here, upon whom I have, by virtue of authority, made requisitions for the transportation of horses belonging to several Cherokee families, enrolled within the limits of Georgia, at an estimated expense of \$6 50 per head, allowing pay only for supposed necessary baggage horses.

I shall make requisitions on him in a few days for the estimated expense of removing one hundred emigrants, under the command of Austin Rider. These consist of such as are unwilling to delay their departure till the valuation of property is approved by the department. Allowing a small addition over the net estimated expense, to the chapter of accidents, \$15 50 will be advanced to commute the transportation, subsistence, &c., of each person, from within the chartered limits of Georgia, to their new homes. It is hoped this will not be considered an extravagant allowance, when the difficulties and distance of the route are taken into view; nearly, if not quite, double those attending the removal of the Choctaws.

There is now a deep snow on the ground. As soon as the appraisers can go to the discharge of their duties in justice to the public, Major James M. C. Montgomery, who, in obedience to my order, left home on the 5th instant, will be directed, with the Indian agent, to commence the business of valuation; Wm. S. Davis not having yet reported for duty.

Edward Adair, an intelligent Indian of Arkansas, whose services were considered essential to the public, in removing prejudices existing amongst the Cherokees against that country, was employed by me to ride over the nation, and talk to the people on the subject, at one dollar per day, including all expenses. For this I have made a requisition on the Indian agent here.

Would it not be well, when the first expedition sets out, or more properly, perhaps, in the spring, when the fields and woods are green, thereafter, for some person, at the expense of the Government, to select from different parts of the nation an intelligent company of natives to explore the country west of the Mississippi assigned for their future residence, whose report would confute the misrepresentations of those whose interest it is to detain their countrymen, believing the Government will make a treaty more advantageous to them eventually, in proportion to the number then east of the Mississippi?

I would suggest the propriety of directing the Indian agent, according to the plan proposed in your letter of the 26th of October, to give his note in lieu of certificates, to be taken up by the agent in Arkansas immediately on their arrival, for all that is not necessarily paid on them before their departure. Although I am yet of opinion, to pay all the money here for abandoned property, would stimulate a more general emigration, still I am sensible it is most safe to the common Indian as well as to the Government, that as little money should be paid here as possible, except to white men and half breeds, or such as have a pride of character, above the inducements to violate their contracts. Had the money not first been promised, I believe the plan now proposed would be altogether acceptable. But they are of a distrustful character, and, when they find an unsteadiness

of purpose and a second resolve, removing enjoyments still further from their embrace than the first, they become sullen and unfriendly: and I do apprehend that the determination of the department to withhold all except what is necessary to pay debts, and that not to be paid until they go on board of the boats, will have a deleterious effect on the progress of enrolment. But since the department has chosen to pursue this course from considerations of philanthropy, the ill consequences growing out of the change of policy, in relation to these payments, may be measurably done away, by having the money ready for them on the arrival of the first detachment at the Arkansas Agency, when made known to those remaining.

The number enrolled is seventy-one families, of which there is twenty-one white men at the head of Indian families, one white woman with Cherokee children, and thirty-four of mixed blood at the head of families; the whole number of persons, white, red, and black, being three hundred and sixty-six. To this number it is expected to have an addition of twenty or thirty families before the appraisers finish their tour through the nation, unless the positive orders to promise no money until they reach their new homes should have a more unhappy effect than I at present anticipate.

I have the honor to be,

Most respectfully,

Your very obedient servant,

BEN. F. CURREY.

ELBERT HERRING, Esq.

CREEK AGENCY, *December 15, 1831.*

SIR: At the request of the Indians, I herewith enclose a copy of a letter addressed to me on the subject of intruders; also, a report and list of the heads of such families as have been ascertained. Whilst on this subject, I will remark, that most of the arable lands in this section of the country, (not enclosed,) has been run up, either with a compass or chopped round with an axe by white people; and in some cases the fields and lands within the enclosures of the Indians have been marked off and claimed, with avowed intention of settling them.

A delegation of Creek chiefs left this place to-day for Washington city. I saw and witnessed their instructions: they are *broad*, and bind the nation to confirm and ratify the acts of the delegation.

Colonel Brodnax accompanies the delegation as special and conducting agent: he is a gentleman of respectability, with whom you may converse freely on the subject of Indian affairs. The Indians were anxious that I should accompany them, but I could not do so without your permission.

I have the honor to be,

Your obedient servant,

JNO. CROWELL,

Agent for Ind.

The Hon. LEWIS CASS,

Secretary of War, Washington.

CREEK NATION, *December 13, 1831.*

SIR: It is painful to us to have so frequently to complain to you of the many trespasses upon our lands by the white people. Some time since we

employed a respectable white man to ascertain the names of such whites as have moved into the country, and to what extent they had intruded. His report we herewith enclose. We cannot refrain from calling your particular attention to its contents. There are not only between five and six hundred families already settling among us, but they are daily moving in. From the many visiting whites to our country, marking and running out settlements, we can only anticipate the entire settlement of our country to our exclusion. Our improvements are surrounded by survey of the whites: we expect to be driven from our homes. Yesterday, in your hearing, we were notified by a white man from Georgia that he had located himself in our country, and, should any thing of his be misplaced or interfered with, he should prosecute us under the law of Alabama. What can we calculate on should your Government not interfere? Our homes will be taken from us, our stock all destroyed, and left without the means of living. Your knowledge of the facts of our settlement, with the enclosed report, and this communication, we particularly request to be forwarded as quick as practicable to the honorable Secretary of War, so that the deputation, on their arrival at Washington, this winter, may receive his answer.

Your unfortunate

Red brothers,

NEHAH MICCO, his x mark.
TUSKEMHOW of *Tuck*, his x mark.
NEHAH LOCKO OPOY, his x mark.

To Col. JNO. CROWELL, *Agent*.

CREEK NATION, *December 6, 1831.*

DEAR FRIENDS AND BROTHERS: In compliance with your request, I have endeavored to ascertain the number of white people who are now residing in the limits of your country as intruders. The following list will exhibit the name at the head of each family, their occupation, their particular place of residence, and other remarks; which statement I certify to be correct, agreeably to the best information I have been able to procure by a disagreeable tour of twenty-five or thirty days through your country.

The limited time prescribed for me to execute this duty and report, rendered it impracticable to visit them all, or even obtain their names: there are therefore a great number of intruders in your country whose names do not appear in this report. I think the families herewith reported will average at least eight each, which makes a total amount of 1,480.

In addition to the number above stated, there are another class much more numerous, who have only marked out the situations they design occupying, by blazing and cutting the initials of their names on the trees around the same. Those persons say they expect to hold those tracts of land by a pre-emption right; and if the present Congress, or the General Government, does not interfere in your behalf, your country will be entirely overrun, and all the land fit for cultivation immediately occupied by this class of intruders.

Yours, respectfully,

WILLIAM MOOR.

NEHAH MICCO AND OTHERS,
Head Chiefs of said Nation.

Table referred to in the preceding letter.

Names.	Average.	Occupation.	Remarks, and residence.
Nathaniel Greyer	8	Farmer	In the Coveta town, Osaliga creek, has 24 acres of cleared land; took the same from an old helpless Indian woman.
William Greyer	8	Do	In the Coveta town, Osaliga creek, in the woods.
William House	8	Do	Do do 4 acres cleared land.
David McKoy	8	Do	Do do in the woods.
Jefferson McKoy	8	Do	Do do do
Wylie Ingrum	8	Do	Do do do
Matthew Bates	8	Do	Do do do
Old Mr. Jones	8	Do	Do do do
Williamson Ferrel	8	Do	Waters, Chatahoochie, near Troup co., Ga., has a field of about six acres.
Captain Edge	8	Wagon-maker	Has his shop in the nation, but lives in Georgia.
Major Dixon	8	Miller and farmer	Has his mill in the nation, also a farm, but a citizen of Ga.
Willis Johnson	8	Farmer	Has his farm in the nation, and resides in Georgia.
Major Mays	8	Do	Do do
Thomas Wilkins	8	Do	{ Those 3 persons on the Osaliga creek, opposite Troup co., Ga., and passed \$40 of very base counterfeit money to an Indian man for hogs the same day I was in their settlement.
Sarah Heard, (widow)	8	Do	
George Harper	8	Do	
Henry Towns	8	Merchant and farmer	
William McLamore	8	Do do	Hillabee town, Tallapoosa waters.
Mr. Pierson	8	Merchant	Oaka Fuskee town do do
			Do do do does not reside there, in person, at present.
Mr. McLamore	8	Merchant and farmer	Do do do

Peter Dudley	8	Public house	Oaka Fuskee town, Tallapoosa waters, also a ferry across Tallapoosa river.
Mr. Short	8	Farmer	White Water creek, near Troup county.
Mr. Califax	8	Do	do do
Mr. Short	8	Do	do do
Mr. Califax	8	Do	do do
Bird Fowler	8	Do	do do
Mrs. Leopard	8	Do	Resides in Georgia clearing, in the Creek nation.
Mr. Adarine	8	Do	do do Heard county, do
Mr. Rhoden	8	Merchant and farmer	Arbick Uchee town, Big Tallapoosa river.
Mr. Pelton	8	Do	Hallibee town, Tallapoosa waters.
Mr. Paulin	8	Do	Tallesahatchee town and waters.
Moses Labetter	8	Do	Big Tallapoosa and waters. do
John B. Pendleton	8	Do and farmer	Tallesahatchee town do
Mr. Thompson	8	Merchant and farmer	Tarrapin creek, near the Cherokee line.
Mr. Williamson	8	Farmer	Wehokee town.
William Palmore	8	Do	Tallesahatchee town.
John Mason	8	Do	do do
Mr. Thomaston	8	Do	Mehokee do
John Forman	8	Mill-builder	Tallesahatchee do building a mill at the same place.
Jesse Forman	8	Farmer	Chackotholoch, opposite St. Clair county, Alabama.
Henderson Beavers	8	Carpenter	Do do do
Jesse Durin	8	Farmer	Do do do
John Goodin	8	Merchant and farmer	Upper Chiahaw town, on the emigrating road.
Isaiah Goodin	8	Do	Do do do
John Bann	8	Farmer	Do do do
James Canner	8	Got a mill	Upon the waters of Chackotholoch creek.
Major Kelly	8	Farmer	Do do do
David Conner	8	Merchant	Near do do do
Mr. Goodwin	8	Merchant and farmer	Near do do do
James Bogden	8	Do do	On do do do
	8	Bricklayer	Do do do

TABLE, &c.—Continued.

Names.	Average.	Occupation.	Remarks, and residence.
Mr. Coker	8	Blacksmith	Upon the waters of Chackotholoch creek.
Mr. Harris	8	Merchant	In Taladega, at the old battle ground.
Mr. Delaney	8	Farmer	Do near do
John Parkin	8	Blacksmith	Do do
Fleming Adarine	8	Merchant	Waters Tallapoosa
Mr. Wilson	8	Farmer	Cedar creek, opposite Shelby county, Alabama.
William Patterson	8	Merchant.	Solgia creek and town
Mr. Welch	8	Farmer	Cedar creek, opposite Shelby county, Alabama.
Baily Reed	8	Do	Do do
Mr. Logan	8	Do	Do do
Col. Chapman	8	Do	Do do
Mr. Conoway	8	Do	Do do
Mr. Morris	8	Do	Do do
Mr. Hill	8	Do	Do do
Mr. Robinson	8	Do	Do do
			Gold diggers, with eight others, roving about the mountains: say they are in search of gold; supposed by others to be horse thieves.
Mr. Wenstell	8	Carpenter	Ufaula town, near the Chatahochie, where, I am informed, the Legislature of Alabama has laid out a town one mile square, and named it Irvintown.
			Do do do
Mr. Pero	8	Merchant	Do do do
Mr. Allen	8	do	Do do do
Mr. Adams	8	Farmer	Do do do
Mr. Inerson	8	Farmer and millw'r't	Do building a mill near this place.
Underwood	8	Tavern-keeper	Do resides in the town of Irvintown.

Mr. Thornton
Mr. Smith
Old Mr. Logan

90
*

Add to this

Farmer
Do
Stealing

One hundred and ten
families

Do Resides in the town Irvintown.

Do do

Lives the most of his time in the upper part of this nation, has been repeatedly caught in possession of stolen horses. The Indians state they have lost latterly, by him and his colleagues, upwards of one hundred head of horses, and more than that number of cattle: he has also been frequently detected in passing counterfeit money.

Who reside on the waters of Cedar creek, and near Fort Williams, opposite Shelby county, Alabama. The names of the heads of those families have, by some accident, failed to reach me in time. I have, however, received a letter from the gentleman I employed to collect the names in the settlement, stating that he had done so, and forwarded them to me some time since.

W. M.

8
8
8

600
880

1,480

CREEK NATION, *December 15, 1831.*

CREEK AGENCY: We, the head chiefs of the upper and lower towns of Creek Indians, from circumstances deeply interesting to the Creek nation, have decreed to send a deputation of four men, with a secretary and special agent, to visit Washington city during the present Congress; and whereas we repose special trust in Opoith Yoholo, of Tuckebachee, Tuckebachee Hajo, of Caseataw, Tuckebachee Micco, of Tuckebachee, and Benjamin Marshall, of Coweta, we nominate and appoint each of them as the deputation, with George Stiggins as secretary, and Major John H. Brodnax as special agent. And we do hereby authorize and empower the said deputation, with the said secretary and agent, to do all manner of thing which may tend to benefit the Creek nation in any manner whatever, either with the President of the United States or before Congress; and whereas we have placed confidence in said special agent, we do hereby recommend and require all business, by communications or otherwise, done in and through his advice, of which all and every thing done by our said deputation, we do ratify and confirm as if though done by us in open council.

Given under our hands in open council this day and date before written. And we further recommend the said deputation to our father the President, as our true representatives, and hope that they may be received as such in friendship.

NEHAH MICCO,	his x mark.
NEATH LOCKO OPOY,	his x mark.
TUSKENEHAW <i>of Tuckebachee,</i>	his x mark.
TUSKENEHAW <i>of Caseataw,</i>	his x mark.
YOHOLA MICCO <i>of Ufaula,</i>	his x mark.
COOSA TUSKENUCKEE,	his x mark.
CHIMOLLY,	his x mark.
JAMES ISLAND <i>of Coweta,</i>	his x mark.
SOLOTTEE <i>of Natches,</i>	his x mark.
TUSTE NUCK CHOPCO, <i>of Taledaga,</i>	his x mark.

Signed in presence of

JNO. CROWELL, *Agent for Indians.*

B. MARSHALL, *Interpreter.*

GEORGE STIGGINS, *Secretary.*

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, December 15, 1831.

SIR: I herewith have the honor to enclose you an extract from the report of Henry Gratiot, esq., sub-agent for the Winnebagoes of Rock river, of the 15th of October last, in which he states the inconvenience and injury resulting to those Indians by their having to travel to the Portage Wisconsin for their annuities.

To remedy the inconvenience complained of, I would recommend that the proportion of annuity due the Winnebagoes of Rock river, be paid to their sub-agent, and that the smith's shop be placed under him. I would also recommend that the sub-agent for that band be placed under Mr. Kinzie,

or the superintendent of Indian affairs in Michigan, and that he be directed to report accordingly.

With high respect,

I have the honor to be,

Your obedient servant,

WM. CLARK.

Honorable LEWIS CASS,

Secretary of War.

[*Extract.*]

GRATIOT GROVE, *October 15, 1815.*

SIR: In obedience to orders from the Department of War, directing me to report through you to the department, I beg leave to submit the following:

In July last I made a requisition of General Gaines, at Rock Island, for a few barrels of pork and flour, to be used as presents to the Indians, to enable me to penetrate the designs of the Prophet, and his band of mixed breeds of Sacs, Winnebagoes, Pottawatamies, and Kickapoos. In the course of the summer, I several times sent to the Prophet, desiring to have a talk with him; the object of which was to induce him to abandon his village, and remove up Rock river, that he might be further from Black Hawk. He was very shy, and would not come, but always sent his brother to me. At length, with the assistance of some of the head-men of the Rock river Winnebagoes, I was enabled to hold a council with him and them, on the first of September, at Turtle village. Here it was agreed that he and his band should, this fall, remove up Rock river, and incorporate with the Winnebagoes.

In conversation with the Prophet on the subject of the disturbances last summer, between the Black Hawk and the United States, he denied having had any participation in it. He still persisted, however, in saying he did not sell his land, but must submit to necessity. He appeared a good deal reserved; but, at length, agreed to attend at Fort Winnebago at the time of payment, and receive his share of the annuity. He, however, did not attend: only two lodges, out of seventeen, were represented. The reasons given for the non-attendance of the others, were the great distance, and a fear of the Menomonies, (being part Sac, and the Sacs and Menomonies being then hostile.)

I accompanied the Rock river bands when they went to receive their shares of the annuity; and what I saw compels me to say that the generous policy of the Government, to meliorate the condition of the Indians, was defeated with regard to these; for, owing to the distance and difficulty of travelling over land, but few of them having horses, a large proportion of the women, who are the more economical part, were unable to go. The consequences were, that very few of the Indians brought away their salt; and, notwithstanding the praiseworthy diligence of Mr. Kinzie, the whiskey pedlers contrived to sell them whiskey, and get the money; which, had it been convenient for the women to attend, would, probably, have been saved for their families.

It is a lamentable truth, that many of them returned from the fort much poorer than they went; for they sold, or lost, even the blankets which they

wore. I saw two, at least, in a state of nudity, and numbers strewed along the road in beastly drunkenness. Some travellers, who were a few hours' travel behind me, say that the Indians were very troublesome to them, evidently manifesting a disposition to rob them. One traveller found it necessary to cock his pistol on an Indian; and another traveller found it necessary to knock one down with a club before he would desist.

The whole band complain to me of the inconvenience and fatigue experienced in having to go so far, (some a hundred miles,) after their money, and of the temptations thrown in their way, and beg me to write to their "great father," the President, and ask him to order that their money, &c., shall hereafter be paid to them within the limits of this sub-agency, on the waters of Rock river.

They say, when they sold us the valuable mining land, they thought that this was to be one of the stipulations in the treaty; and why they are obliged to go to the Portage they know not. But they depend, they say, on their "great father" to do them justice.

If to insure tranquillity, and remedy the evils complained of as much as possible, it be determined by the department to order that payments, in future, be made to this band within the limits of this sub-agency, I would, respectfully, point out a place at or near the mouth of the Pe-ke-tol-e-ke, as the most suitable. There they hold their councils, and from there they start on their winter hunts. There the women and children could go up in their canoes, and take care of, at least, their own shares of the salt and money. There they would be on their own land, and not be so liable to be visited by so many whiskey pedlers. To go there, they would not have to cross the ceded land, and, consequently, not come in contact with travellers on the road. But, to go to the fort, a large portion of them travel from 30 to 40 miles on our road.

The blacksmith's shop, which is located within the limits of my sub-agency, has not yet been delivered to me; and the Indians complain that they have not justice done them there. And, from the character of the smith who has been employed, I believe they have good cause of complaint; and Mr. Kinzie, the sub-agent, who now has charge of it, resides at so great a distance from it that, perhaps, it is impossible for him to compel the smith to do his duty.

If I had charge of the shop, I would locate it near the mouth of the Pe-ke-tol-e-ke, where the whole band would approach it more easily than at any other point. As they are now on their winter hunt, and as they always require a great deal of work done at such a time, I should be glad to receive instructions on this subject as soon as possible.

H. GRATIOT, *Sub-agent.*

General CLARK.

CHEROKEE AGENCY, *December 15, 1831.*

SIR: I have this day drawn on you for ten thousand dollars, in favor of the cashier of the United States Branch Bank at Nashville, for the payment of expenses of emigration of the Cherokees from this nation to the Cherokee nation west of the Mississippi—viz., enrolling and other incidental expenses attending the same, and paying for the improvements abandoned by them under the provisions of the treaty of 6th of May, 1828, agreeably to

your instructions of the 21st November ultimo; all of which will be faithfully appropriated to the purposes mentioned, and strictly accounted for.

I am, sir,

Very respectfully,

Your obedient servant,

H. MONTGOMERY.

Hon. LEWIS CASS,

Secretary of War, Washington City.

FLORENCE, *December 18, 1831.*

SIR: On my arrival at the Choctaw Agency, in company with General Coffee and General Eaton, on the 28th November, I received your letter dated 26th October, where it had lain for some time, owing to the agent being absent from home. I had gone to the agency immediately on my receiving the appointment, to value and sell the Choctaw cattle; but never have been able to have an interview with the agent until (some days after the commissioners had arrived at the agency) the agent came home. I have postponed the sale of the cattle until the 1st of May next, as they cannot collect them until about that time. I have found out that there have been attempts made to practise great frauds on the Government by the white people uniting with the Indians. In this way the Indian drives up his cattle to place appointed. They are there valued and sold the white man; by them put into the hands of the Indian: he drives them to the next place, has them valued again, and so on. When the valuation is estimated at about five dollars a head, and the sales about \$1 50, the chance for speculation is great. I have consulted with General Coffee and General Eaton on this subject; and believe a good plan would be, at the time I fix the value on the cattle, before I sell them, to have them all branded, to prevent them having them valued more than once. Sir: should you approve the plan, and instruct me to employ hands to brand all those cattle, I will attend to it, and Government pay the expense of branding and advertising; as a general notice in the public newspapers will bring many purchasers, as I have received two letters from South Carolina and Pennsylvania, and one from Kentucky, desiring to know the time of the sales, I have no doubt, if general notice is given, the cattle will bring a fair price. Sir: my receiving the appointment through General Coffee, and having an entire wish to promote the interest of the Government, I will strictly obey all orders from your department; and no exertion, on my part, shall be wanted to promote the interest of the Government.

I would beg leave to state another circumstance. I find those certificates given by Wm. Dowsing, who had sold some of the cattle previous to my being appointed, are in the hands of those persons that wish to have cattle furnished them at their new homes, are now in the hands of speculators and traders from one to the other, and hundreds of counterfeits, which will be a great trouble to the Government. Sir: I have thought a good plan would be for me to keep a book for the purpose, as directed, and furnish the agent with a copy, to be kept at the agency for the inspection of all concerned, and have no certificates out. Should you approve the plan, you will advise me accordingly. You will please direct my letters to Florence, Alabama,

to the care of General John Coffee, as it appears a hard matter for me to get my letters from the agent, as he is but little of his time there.

Very respectfully,

JOHN W. BYRN,

Agent for estimating the value of the cattle of the Choctaws.

THE SECRETARY OF WAR.

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, December 20, 1831.

SIR: Enclosed herewith I have the honor to transmit to you three letters from Mr. Dougherty; one of the 29th October, stating the sickness and mortality among the Panis, and their wish to receive an annuity, to which they conceive themselves entitled, on account of a portion of their lands having been surveyed, as they state, and given to the Delawares.

I would recommend that a council be held with the Republican band of Panis for the purpose of extinguishing their title to such portion of their land as is embraced in the tract assigned to the Delawares; and that they be allowed a reasonable compensation therefor.

Mr. Dougherty's communications of the 31st October and 9th November, are on the subject of the growing difficulties between the Panis and Delawares, and between the Omahas and Ioways. He has been instructed to demand the surrender of the murderers of Crane's son, the Little Star and Big Neck, and has been to make some exertion for the restoration of peace and harmony among those tribes; which, as regards the Omahas, has been interrupted by their descent last summer for the purpose of receiving their annuity at Cantonment Leavenworth; a measure which I reprobated as soon as I heard of it, and before I received information of the result, which I then anticipated.

I have the honor to be,

With high consideration,

Your most obedient servant,

WM. CLARK.

ELBERT HERRING, Esq.,

Indian Department, Washington City.

CANTONMENT LEAVENWORTH, *October 29, 1831.*

SIR: I have the honor to inform you that I have returned from a visit to the four Pawnee villages, all of whom I found in a most deplorable condition. Indeed their misery defies all description. Judging from what I saw during the four days I spent with them, and the information I received from the chiefs and two Frenchmen who reside with and speak their language well, I am fully persuaded that one half the whole number of souls of each village have and will be carried off by this cruel and frightful distemper. They told me that not one under thirty-three years of age escaped the monstrous disease, it having been that length of time since it visited them before.

They were dying so fast, and taken down at once in such large numbers,

that they had ceased to bury their dead, whose bodies were to be seen in every direction, laying about in the river, lodged on the sand-bars, in the hog-weeds around their villages, and in their old corn caches: others again were dragged off by the hungry dogs into the prairie, where they were torn to pieces by the more hungry wolves and buzzards. Their misery was so great and so general, that they seemed to be unconscious of it, and to look upon the dead and dying as they would on so many dead horses.

I presented them with the few presents which I had taken with me for that purpose, and, strange to tell, such was their love of the articles of civilized man, that a smile seemed to pass for a moment over their haggard visages. They requested me to inform their great father how much they thanked him for sending them a pipe of tobacco in a moment of such dire distress. They stated that their neighbors, the Ottoes and Omahas, were receiving an annuity from their great father for some wild lands, and that he had surveyed off a portion of Pawnee land and given it to his Delaware children, for which they hoped he would have pity on his Pawnee children also, and do for them as he was doing for his Otto and Omaha children.

I am, very respectfully, sir,

Your obedient servant,

JNO. DOUGHERTY,

Indian Agent.

General W^M. CLARK,

Superintendent Indian Affairs.

CANTONMENT LEAVENWORTH, *October 31, 1831.*

SIR: Your communication, under date of the 17th ultimo, on the subject of the Omahas killing the son of Crane, was received at Mr. Cabauni's trading-house, below Council Bluff, by express from this place.

I will now proceed to give you a detailed account of the steps I had taken previous to receiving your instructions, as well as what I have since done in obedience to them, relative to that affair.

As soon as I was informed that the Omahas had killed an Ioway, carried off a squaw prisoner, and stolen three horses, having no interpreter, I sent immediately to the Kansas river and employed Baptist De Cheroutte, and despatched him to the Omaha village with a message to the chiefs, demanding of them an explanation of their conduct, and a surrender of the Ioway horses and squaw. I waited twenty-nine days impatiently for the return of De Cheroutte, but, finding he had overstayed his time some nine or ten days, and understanding that two large war parties of Ioways or Sacs had set out for the purpose of inducing the Ottoes to engage in war with them against the Omahas, I concluded it would be proper for me to visit them myself, and endeavor, if possible, to fall in with these Ioway war parties, and prevent further bloodshed. I accordingly left this post on the 8th ultimo, and proceeded on my journey three days, when I met De Cheroutte returning. He informed me that the Omaha chiefs had given up the three horses to him, but the squaw had not been taken, as reported; and that on the way back he had fallen in with one of the above-mentioned war parties, and delivered the horses to the Little Star, son-in-law of the Crane, principal chief of the Ioways. He also informed me that the Big Elk had given him a peace pipe, with a friendly message to the Crane. I directed De

Cheroutte to proceed on to the Cantonment Leavenworth, and deliver the pipe and message to Major Beauchamp, to be sent to General Hughes, and I now understand the major did so. I, however, continued on my journey to the Omahas.

As soon as I reached their village, I assembled all the chiefs in council, and had a long and full conversation with them on the subject of their difficulties with the Ioways. The chiefs, one and all, expressed their deep regret in consequence of these unfortunate differences with their red neighbors. They regretted it, however, more on account of the treaty of peace and amity which they had so recently entered into, under the authority of their great father, than any love or fear they entertained for the Ioways, because it was the Ioways who first violated that treaty by killing one of their people last winter near Mr. Cabauni's trading-house. The Big Elk said: my father, me and my people are always last in commencing war, and first in making peace, and notwithstanding the Ioways had broken the treaty of peace in about six months after it was made, by killing and scalping one of my near relations, and have never offered me any reparation whatever, I sent by your interpreter a pipe of peace to the Crane, and a message inviting him to come and bring with him his mourning relations to my village. Yes, I sent him word to bring them naked, and I would clothe them; hungry, and I would give them to eat of the whitest corn in my town; without horses, and they should ride back. All this I have done, my father, because I love my great father, the President, and his people, with whose blood the hands of an Omaha have never, in a single instance, been stained. I wish my red neighbors could say as much. After remaining two days and nights counselling with, and advising them how to conduct themselves in future, I set out for home by way of Mr. Cabauni's trading-house, where I met your instructions, already alluded to.

Being somewhat fatigued in travelling, I immediately sent for the Omaha chiefs to come and see me on business of importance. They accordingly arrived on the seventh day, when I made known to them your views, as well as the wish and determination of the President of the United States, as expressed in the extract of the order of the honorable Secretary of War relative to the Indians of the Mississippi, which you done me the honor to transmit. The Big Elk stated, in reply, that they were more than willing to comply with any demand within their power which you might make of them. But in the present case it was impossible to deliver up the young men demanded, for several reasons: First. The young man who headed the party was absent on a war-party with the Ponkaws, towards the Rocky mountains. Secondly. They were just about leaving their village on their winter hunt, in the same direction, and would not be back before next spring. Third. The smallpox had made its appearance among them: consequently he could not leave his people to accompany his young men down, which he was determined to do whenever it might be deemed necessary to give them up to his great father.

He requested me to assure you that, when they returned in the spring, he would bring down himself, and deliver up as many of the party as you might require. He still entertained, however, a strong hope, he said, that, when you understood this affair clearly and fairly on both sides, you would not insist on the Omahas giving up their murderers without making a similar demand first of the Ioways, who are the aggressors.

He concluded: My father, the Ioways have behaved very badly in this

matter; that after he had sent them a *peace pipe*, they continued their war parties around the houses of the white traders for the purpose of killing our women who are married with them; nor did they cease till they stabbed a Pawnee squaw, the wife of a white man. They murdered her, too, inside the house of a white man; and it was with much difficulty my white brothers prevented them from killing and scalping some fifteen Omaha squaws, and about twenty-five or thirty half-breed children.

I have no doubt in my mind that this matter can be easily arranged among themselves, with the assistance of the agents, provided the Ioways will meet the Omahas half way, which they certainly ought to do.

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

JNO. DOUGHERTY.

General WM. CLARK,

Indian Agent.

Superintendent Indian Affairs.

CANTONMENT LEAVENWORTH, *November 9, 1831.*

SIR: In my letter to you of the 29th ultimo, I purposely omitted to mention any thing in relation to the difficulty between the Pawnees and Delawares; my reason for so doing, was the circumstance of my having addressed a note to Major Cummins, agent for the Delawares on that subject, and to which I wished an answer before I could write to you knowingly, concerning it.

The following is a copy of my note to Major Cummins.

CANTONMENT LEAVENWORTH, *October 21, 1831.*

DEAR SIR: I have just returned from the Pawnee village, and avail myself of the first opportunity to inform you, that I delivered to them the wampum and talk of the Delaware chief, Anderson, which he gave me for that purpose last spring, in presence of Major Campbell. They appeared to be well pleased with Anderson's talk, and requested me to communicate to him and his people that they would be glad to become acquainted with them.

At the time they killed the two young Delawares, near the Republican Pawnee village they knew not who they were; that some time previous to that affair six Pawnees had been killed by some strange Indians; and thinking it probable that the two young Delawares were of the same tribe, was the principal cause of their killing them.

They desired me, also, to inform the Delawares that they would hold fast the wampum Anderson had sent them, until he or some of his people should call at their village and see it again with their own eyes. After which they hoped they would look upon each other as brothers, and that the road between their towns would be kept clean.

I communicate to you this information, that you may make such use of it, as in your own judgment may seem proper.

I am your friend and obedient servant,

JOHN DOUGHERTY.

Major CUMMINS,

Indian Agent.

United States' Indian Agent.

Not having as yet received an answer from Major Cummins, I will address him again on the subject more fully, and as soon as I can obtain the feelings of the Delawares towards the Pawnees and the views of the agent, I will be better able, and will not fail, to inform you, as to my opinions touching any future measures, calculated to bring about a good understanding between these tribes.

I have recently been informed, indirectly, that Anderson died while I was at the Pawnees delivering his wampum of peace. I understand, also, that a party of Delawares, previous to my return, had gone off through the Pawnee country on a trapping expedition.

I am of opinion that all emigrating Indians should be restrained as far as possible from those buffalo and beaver-hunting expeditions, by which their minds are diverted from agricultural pursuits. This, however, will be very difficult to execute, so long as the fur traders are located among them. For the plain reason, that it is the trader's interest to urge all Indians, with whom he carries on trade, to the chase.

I have the honor to be,

Very respectfully

Your obedient servant,

JNO. DOUGHERTY,

General WILLIAM CLARK.

Indian Agent.

Superintendent Indian Affairs.

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, December 20, 1831.

DEAR SIR: By a letter from Mr. Hamilton, of the 6th September, I was informed that the Senecas would, agreeably to a provision of their late treaty, soon move to the lands assigned them west, accompanied by the agent and sub-agent, and that on their arrival at this place they were to be put in charge of the sub-agent, Mr. Brish, and would be conducted by him under my directions to their lands, with as little delay as practicable. I was also directed to make the necessary arrangements for their journey from this place, and draw on the department, &c.

On the 16th November. Mr. Brish arrived here in a steamboat, with 231 Senecas, as will appear by his report, a copy of which is herewith, (marked A.) The weather being excessively cold, these Senecas were sent out into the country about seven miles from this place, to encamp, until the wagons which had been engaged could be collected. In a few days they set out with sixteen wagons to transport them and their baggage, and proceeded with great difficulty fifty-five miles near Troy, where they are now encamped; the weather being so cold that neither the Indians nor teams could proceed, as will appear by Mr. Brish's report of the 13th instant, herewith, (marked B;) the Indians being frost-bitten, sick, and some dying, and the whole party being much discouraged. At the place where those Indians are now encamped, provisions can be obtained on better terms than on any other part of the route.

Your instructions with regard to the removal of these Indians from Ohio, have not, it seems, been carried into full effect, as it appears that two parties set out to come by land; one of which, nine in number, and about thirty horses, have passed on to join their party, having lost several of their horses, and

having remained some days at this place to recruit the remainder. The other party of between one and two hundred is yet back. And by Mr. Brish's report of the 14th instant, (marked C.) they have not proceeded further than White river, in Indiana, and are in distress. The sub-agent has, at the urgent request and solicitations of the chiefs, returned by land, in search of that party, as well to accelerate their movements, as to attend to some business for the Indians, and on his own account, having previously contracted with a very efficient man, (Colonel D. Bailey,) to supply the Senecas, encamped near Troy, with provisions, at ten cents per ration, and to procure (while provisions can be obtained,) a supply for six months to be delivered on their lands at sixteen cents per ration. This is, I believe, as reasonable as provisions can be procured and transported.

I beg leave also to draw your attention to Mr. Brish's letter to me of the 26th November; he has had much trouble with those Indians, who are difficult to manage. I am inclined to believe, the removal and supplying of these people will be a serious expense. They require the best provisions, and have an immense quantity of baggage.

It appears from the sub-agent's report, that Colonel McElvain did not furnish the Senecas with the blankets and rifles stipulated for in their treaty. I have purchased and delivered to those who arrived, 231 blankets, 20 rifles, 50 hoes, 50 axes, a part of the ploughs they were to receive, and some clothing; also, three or four horses, and some farming tools, made at this place by the public smiths.

My intention is to send on those Indians, who are now encamped near Troy, as soon as the weather and waters will admit of their moving, and those who are coming on by land will follow. I have, in the mean time, advanced six thousand dollars to Colonel Bailey to enable him to lay in the necessary provisions for those Indians, whilst they can be procured, and will shortly be under the necessity of drawing upon the department for funds on that account, and also for the expenses of transportation, and will in a few days forward an estimate of the sums required.

With high respect,

I have the honor to be,

Your most obedient servant,

WM. CLARK.

TO ELBERT HERRING, Esq.

ST. LOUIS, *November 26, 1831.*

DEAR SIR: In consequence of the extremely dissipated habits, and blood-thirsty disposition of many of the Senecas under my charge, and with the view also to their better management, and keeping them together, I was compelled to call to my assistance three friends; their services have also been important in procuring and distributing provisions, and I consider them indispensable.

No provision having been made for the pay of assistants, in any communication or instructions to me, and, as you inform me, none to you, I must ask the favor of you to communicate with the honorable the Secretary of War, on this subject. As those gentlemen have left their homes and families to assist me in carrying into effect the benevolent policy of the Government in removing these people to a country better adapted to their habits and necessities, (and which has been wisely purchased, at your suggestion,

and by you,) I trust the honorable Secretary of War will not hesitate in making them a reasonable compensation for their services and expenses.

The necessity of my attending to the preparatory arrangements for the removal of the Senecas, and the hurry of starting, prevented me from attending to my own private business; and, inasmuch as my presence will be absolutely necessary, for a short time, at home, I request it as a favor from you, that leave of absence will be granted me for a time sufficient to regulate my business at home. It is intended that the Indians shall be left in charge of a person in whom implicit confidence can be placed in all respects.

I have the honor to be, dear general,

Very respectfully, &c., &c.,

HENRY C. BRISH.

To General WM. CLARK.

(C.)

ST. LOUIS, *December 14, 1831.*

DEAR SIR: The Seneca chiefs have requested me, in the most importunate manner, either to go myself, or send some person, to ascertain the situation of their friends who started from Ohio some time in September last. It is reported, by the small party which just arrived, that their friends, above alluded to, were near White river, in Indiana; that they had lost a great many of their horses, and would, probably, suffer for want of provisions. It is also much to be feared that they will become so much dissatisfied as to induce their return to their late homes, in Ohio. Such a step would assuredly lead to difficulties in again removing them. I am fully satisfied of the importance of attending immediately to these people; as the most trifling difficulty with them would affect the movement of the other tribes in Ohio, who anticipate removing next summer.

That part of the tribe, now under my charge, are comfortably situated near Troy, Lincoln county. An arrangement has been made with Colonel D. Bailey, to furnish the necessary rations during their stay. They are anxious that I should return to the assistance of their friends; and, if necessary, to their late homes, for the purpose of stopping further depredations upon their valuable improvements; which, I am informed, are daily taking place. Mr. Meritt will remain with them during my absence. Should these facts be sufficient, in your judgment, to allow me leave of absence for a sufficient time to attend to them, I will set out immediately on receiving your assent.

Apart from these reasons, I should have been under the necessity of applying for your approbation to return, in order to arrange my own business; which I was not able to do in the hurry of preparing the Indians for their removal, having received no assistance from Colonel John McElvain, whose duty it really was.

I most respectfully submit this statement for your consideration and decision.

Your obedient servant,

HENRY C. BRISH,

Sub Indian Agent.

To General WM. CLARK,

Superintendent Indian Affairs.

(A.)

ST. LOUIS, *November 16, 1831.*

SIR: We arrived here last night by steamboat "Ben. Franklin," with Cornstick, Seneca Steel, Captain Goodhunter, and Hardhickory, chiefs of the Seneca tribe of Sandusky, Ohio, together with warriors, women, and children, amounting, in number, to two hundred and thirty-two; and, as required by the hon. the Secretary of War, report myself for your orders.

Notwithstanding instructions from the department to Col. John McElvain to procure and deliver to those Indians the blankets and rifles stipulated to be given them by treaty, he has omitted to furnish them. You will readily perceive the absolute necessity of their having the blankets at this season, in their journey from this place: a few rifles, also, would be of much service to them.

Your kindness of feeling for the Indians, and your extensive knowledge in their affairs, will no doubt prompt you to furnish such other articles as may be of service in forming their new settlement.

I have the honor to be,

With great respect,

Your obedient servant,

HENRY C. BRISH,

Sub Indian Agent.

General WM. CLARK,

Superintendent Indian Affairs.

(B.)

ST. LOUIS, *December 13, 1831.*

DEAR SIR: In conformity with your instructions of November last, I started with the Seneca Indians under my charge, but in consequence of the extreme coldness of the weather, progressed but slowly upon our journey. On our arrival at St. Charles a considerable number were found to be too unwell to be moved further, and one woman died—fourteen were left. With the residue I continued the journey to within four or five miles of Troy; there two others died, and nearly the whole number became more or less unwell. A number of the children had their feet and hands frozen, and many of the teamsters who accompanied us suffered severely in the same way. Finding, ultimately, that we could proceed no further, I pitched an encampment on Quiver creek, until a suitable time for the journey shall arrive.

Messrs. David and Samuel Bailey, contractors to remove the Senecas to their lands, were both taken ill, soon after they reached Troy. Myself and the friends who accompanied me, have all been sick, and have suffered much with the cold. The services of either Colonel Bailey or his brother would have been absolutely necessary to me in the trip.

I have made an arrangement with Col. Bailey to furnish the necessary provisions to my Indians during their stay at their present encampment, and have also contracted with him to supply them for the first six months after they arrive upon their lands, on terms which I consider reasonable.

I beg leave respectfully to submit these reasons, for the course pursued in this matter, to your consideration.

Your obedient servant,

HENRY C. BRISH,
Sub Indian Agent.

General WM. CLARK,
Sup't Indian Affairs, St. Louis.

SUPERINTENDENCY OF INDIAN AFFAIRS,
St. Louis, December 21, 1831.

SIR: I take the liberty of transmitting to you, herewith, a letter from Major Cummins of the 24th ultimo, accompanied with two certificates in favor of *Ne-coming*, a war chief of the Delaware tribe, who was wounded by a poisoned arrow whilst acting with our troops in pursuit of a party of Panis, who had killed two soldiers of the Garrison of Fort Towson in August, 1828.

As the wound received by *Ne-coming*, appears, from the statement of the surgeon, to have caused blindness, and otherwise incapacitated him from maintaining himself and family, I would respectfully recommend that a small annuity be allowed him during life.

I also enclose a talk from the Peorias to their agent, soliciting an annuity from the Government; and that they may be placed on the same footing with their kindred the Kaskaskias and Kahokias.

I know of no better means of helping that tribe than by granting them a more liberal assistance in agriculture than they have heretofore received; and this cannot be done without increasing the appropriation for emigrating Indians.

Very respectfully,

I have the honor to be,

Your most obedient servant,

WM. CLARK.

E. HERRING, Esq.,
Indian Department, Washington City.

DELAWARE AND SHAWNEE AGENCY,
November 24, 1831.

SIR: I enclose you two certificates, one given by Col. Arbuckle, and the other by J. Thurston; by perusing them you will see the particulars in relation to a wound received by Cap. *Ne-coming*, a war chief of the Delaware tribe of Indians, by a poisoned arrow in the fleshy part of his thigh. I have very frequently examined him since he has been here, and believe that he is still under the influence of the poison: at some time he appears to be getting better, but the dimness of his sight returns again. When at his worst, there is sometimes large yellow, and at others rather red streaks over the whites of his eyes; and his eyes the appearance of being very weak. He has not, I am sure, been able to do any thing to support his family since he has been here. I am clearly of the opinion that the Government ought to fix a pension on him, or at least do something for him. I have thought proper to

enclose the certificates above named to you, with the few remarks which I have made, so that you can act as you may think proper.

Ne-coming, and the principal men of the Delawares, expect the Government to do something for him.

With great respect,

Your most obedient servant,

RICHARD W. CUMMINS,

Indian Agent.

General WM. CLARK,

Superintendent Indian Affairs.

CANTONMENT GIBSON, 1830.

It is hereby certified, that *Ne-coming*, a war chief of the Delawares, was, with his party, encamped near Cantonment Towson, in 1828, when two of the soldiers were murdered by hostile Indians. When the fact was ascertained, a party consisting of a small detachment from the garrison, some citizens, with *Ne-coming* and some of his party, at the request of the commanding officer, proceeded in pursuit of the enemy. They came upon them in about three days, while dancing round the soldiers' scalps. They rushed on them, and *Ne-coming*, at the head of the party, received a poisoned arrow in the fleshy part of his thigh. He was brought to the garrison, and remained on his pallet for some weeks, totally blind, in consequence of the injury, and left at last with very imperfect vision. I have recently seen him, and have no doubt that his present impaired eye-sight is attributable to the arrow wound.

J. THURSTON,

Assistant Surgeon U. S. Army.

HEAD QUARTERS, 7TH INFANTRY,

Cantonment Gibson, July, 1830.

The bearer, *Ne-coming*, a principal warrior of the Delaware tribe of Indians, is reported to be a man of good character, and I doubt not, from my knowledge of him, that he merits the favorable opinion entertained of him. It is understood that he served during the last war under General Harrison and other officers, on our northwestern frontier, and that he has at all times been a firm friend to the United States: he was at Cantonment Towson, (Red river,) about the last of August, 1828, when two soldiers of the garrison were killed by a party of the Pawnee Indians. He immediately turned out by the request of the commanding officer, (Brevet Major Birch, of the 7th infantry,) with several of his warriors, on horseback, in company with a detachment of soldiers and other mounted men. The Pawnees were overtaken, and several of them killed; *Ne-coming*, it is reported, was among the foremost in the attack, and that after killing a Pawnee, was severely wounded in the thigh by a poisoned arrow, which occasioned him much pain, and was the cause of doing great injury to his sight. He, therefore, hopes that the Government will allow him such annual sum as will enable him to support himself in his present infirm condition.

I am of opinion that Ne-coming has a strong claim on the bounty of the Government, and therefore trust that the agent for his nation will assist him in obtaining a suitable reward for his services, and the injury he has received in the service of the United States.

M. ARBUCKLE, *Colonel 7th Infantry.*

INDIAN AGENT'S OFFICE, .

Medina, N. Y., December 24, 1831.

SIR: Enclosed is a letter from the chiefs and head-men of the Seneca nation of Indians. They are anxious that the funds should be forwarded, so that the payments could be made hereafter on the first day of June; and their agent has been in the habit of giving them twenty or thirty days' notice, previous to the council. You will observe that, in my report, after I met them in July last, that I borrowed the deficit they speak of at the United States Branch Bank at Buffalo, and it is on interest from that time. I have had to pay the interest. Will not the funds of the Indian department allow of remitting to me the amount forthwith?

I have the honor to be,

Very respectfully,

Your most obedient,

JUSTUS INGERSOLL,

Sup. Six Nations Indians.

Honorable LEWIS CASS,

Secretary of War.

BUFFALO, *December 19, 1831.*

BROTHER: Having been informed that you have charge of the War Office, and having for a long time known you as the friend of the red men, we, the chiefs of the Seneca nation of Indians, address you at this time, to inform you that at the time the money for the Seneca nation of Indians was sent on last spring, the deficiency in the money, for the year 1829, was not sent. At the last session of Congress a law was passed that we should have the whole deficiency in our annuities, for the years 1829 and 1830, made up to us, and that we should receive from the Government, regularly, six thousand dollars per annum for time to come. We have been for some time expecting that you would send on the balance due for the year 1829; and wish you would forward us, as soon as may be, that deficiency. Will you please inform us if you will send on the money for the said deficiency, and if we may expect the sum of six thousand dollars regularly each year, early in June. We appeal to you as our protector and friend, and hope and trust that you will not neglect our claim for the deficiency of 1829. We are much in immediate want of the money, which is about \$2,600; and if you will favor us by an answer to this, that our minds

may be relieved on the subject, you will confer a favor on your brothers and friends, very truly,

YOUNG KING,	his x mark.
COL. POLLARD,	his x mark.
DESTROY TOWN,	his x mark.
BIG KETTLE,	his x mark.
STERINSON,	his x mark.
LITTLE JOHNSON,	his x mark.
SENECA WHITE,	his x mark.
GEO. CONJUGETE,	his x mark.
JOHN SAROW,	his x mark.
JOHN JAMES,	his x mark.
MAJOR BERRY,	his x mark.
JOHN GANT,	his x mark.
JOHN QUINCY,	his x mark.

To the Hon. LEWIS CASS,
Secretary of War, Washington.

ALLEGHANY ARSENAL, PA., Dec. 26, 1831.

SIR: I enclose an account current, which I have delayed making, in the expectation of receiving Riddle and Forsyth's accounts for transportation, which I wished to include in the payments for the present quarter; but not having received that account, I have only the one voucher of John Harris to include.

I am, sir, &c.,

R. L. BAKER,
Maj. U. S. Army.

E. HERRING, Esq.,
War Department.

FRANKFORT, KY., December 28, 1831.

SIR: On last night I had the honor to receive your letter of the 15th of November last, informing me of my appointment as one of the appraisers to value the property of the Cherokee Indians, within the State of Georgia, who are about to remove west of the Mississippi, in which you request my acceptance, or non-acceptance of the same. I have concluded to accept the appointment, and shall repair forthwith to the place assigned for the commencement of my duties.

Upon the subject of the compensation allowed me, as mentioned in your letter, which appears ambiguous, I beg leave to remark, that I accept, under the expectation that my salary will commence from the date of my acceptance of the appointment, on which day I depart. For should it be otherwise, as I shall have to travel six or seven hundred miles, the compensation mentioned would be wholly inadequate for the services required.

Very respectfully,

Your most obedient servant,

WM. M. DAVIS.

Hon. LEWIS CASS.

Secretary of War, Washington City.

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, December 29, 1831.

SIR: My bill of exchange, of this date, drawn on the department in favor of John O'Fallon, President of the Branch Bank of the United States, at this place, for nineteen hundred and ninety-eight dollars thirty-five cents, is for that amount received of him in cash; and which, when paid, will be charged to me under the appropriation of 2d March, 1831, for assistance to Indians removing to the west, from Ohio, Indiana, Illinois, and Missouri.

I have the honor to be,

With high respect,

Your obedient servant,

WM. CLARK.

Hon. LEWIS CASS,

Secretary of War.

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, December 30, 1831.

SIR: My bill of exchange, of this date, drawn on the department in favor of John O'Fallon, President of the Branch Bank of the United States, at this place, for three hundred and fifty-two dollars thirty-nine cents, is for that amount received of him in cash; and which, when paid, will be charged to me under the appropriation of the 2d March, 1831, for education of Indian children, provided for by the treaty of Prairie du Chien, of 15th July, 1830, as per accounts rendered.

I have the honor to be,

Your obedient servant,

WM. CLARK.

The Hon. LEWIS CASS,

Secretary of War.

SUPERINTENDENCY OF INDIAN AFFAIRS,

St. Louis, December 31, 1831.

SIR: My bill of exchange of this date, drawn on the department in favor of John O'Fallon, President of the Branch Bank of the United States at this place, for four thousand eight hundred and forty-four dollars seventy-four cents, is for that amount received of him in cash; and which, when paid, will be charged to me, under the appropriation for carrying into effect the provisions of the Seneca treaty, of 28th February, 1831, for advances made by me, as per accounts rendered.

I have the honor to be,

With high respect,

Your obedient servant,

WM. CLARK.

Hon. LEWIS CASS,

Secretary of War.

WASHINGTON CITY, *December 29, 1831.*

SIR: The Cherokee delegation, under authority from their nation, respectfully desire to call the attention of the Executive to some of the many grievances with which their people are now afflicted. For many years past the Cherokees, as a nation, have flourished under the kind and fostering care of the General Government; they were protected in the peaceable enjoyment of their rights and of their country, not merely from motives of humanity, but for "valuable considerations." The relationship which they bear towards the Government of the United States, as established by treaties, and understood by them, impose upon them the duty of observing the most faithful friendship, and to demean themselves in a manner which shall, at all times, be that of peace to the citizens of the United States; and when occasion for complaint should arise, on either part, it has been the duty of the aggrieved party to notify the other through a channel determined by treaty, to the end that all difficulties might be adjusted on the basis of justice and of law. To the Government of the United States, it is well known that the Cherokee nation has ever maintained sacred and inviolate all its obligations, notwithstanding the cruel acts of oppression which have been practised, and from motives well understood by the people of this continent. We should, perhaps, insult your understanding of the laws of the land, the execution of which is expected from the character of your appointments, as our guardians and protectors, did we presume to prove that we have rights due to be observed by the Government, (as recently demonstrated by the Supreme Court of the United States and Superior Court of Georgia,) or to offer a showing of your duties in relation to their maintenance. But it becomes our duty to inform you that the State of Georgia, in violation of existing treaties between our nation and the United States have taken forcible possession of our gold mines, and established a *military* force upon our lands to prevent even the smallest possible benefit accruing to our citizens from the discovery of any minerals upon lands, the right to which has been solemnly guarantied by the United States to our nation, and the most sacred pledges for our protection in their enjoyment, recorded in your statute books; and that this military band, under the *State* authority, have arrested many of our citizens, at the point of the bayonet, and led them in triumph and in chains far from their homes, without the shadow of crime, or the pretended authority of a civil process to warrant such outrages upon the peace and quietude and the rights of the Cherokee people, and in many other cruel ways have they harassed and annoyed the subjects of their persecution. In addition to this, our country has been surveyed into districts of nine miles square by surveyors under the State authority; and yet, is this not all, a bill has been passed at the present sitting of the Georgia Legislature, providing for the further survey of our lands into sections, and the disposal, by lottery, of the same to the citizens of the State, and the occupancy of the country, under the expectation that the General Government will remain silent and inactive in witness of the last final blow that will seal for ever the fate of our nation. It is not for us to direct the action of this Government, but we cannot but be sensible of its obligations, the nature of our claims, and the duty which we owe to ourselves and to our suffering country, at its hands to demand *justice*, that impending calamities may be averted. The Cherokees yet remain unshaken in their resolve, never to leave the land of their birth, but by coercion, and will continue to adhere fearlessly to their rights, regardless of consequences, until the

period arrives when this summary mode of obtaining their lands will have been carried into complete execution.

A licensed trader in the nation, whose bond lies in your agent's office, in violation of the intercourse act of 1802, not to vend spirituous liquors, has taken an oath of allegiance to the State of Georgia, and publicly traffics in the article to the natives and others, having also for his protective ægis, the appointment of post-master at New Echota: his name is William J. Tarvin. An intruder by the name of Dawson, who has settled himself down upon Cherokee land, and built houses for his convenience, also traffics in spirituous liquors to the natives, and has taken forcible possession of a ferry belonging to a Cherokee, on the Hightower river; this man also holds an appointment similar to the above named. Around the frontier of our nation, bordering on Alabama, Tennessee, and North Carolina, out of the pretended jurisdictional limits of Georgia, are numerous intruders, citizens of the United States, subject to removal. Their number almost daily increases, and it will be useless to attempt a detail of the extent of their ravages upon the property and rights of our citizens. The desire evinced by the Government to effect Cherokee emigration, cannot avail itself of these acts, and yet act according to the requirements of the "Indian bill," which qualifies its construction that nothing should be done under its authority in violation of existing treaties. To afford in detail a statement of all the the evils and errors which have been committed since this scheme of emigration had its origin, would comprise a work not to be expected from us. We can only refer to evils, and request their correction.

From the reports of the enrolling agents, appointed by the Executive to induce further emigration of our citizens west of the Mississippi, you have doubtless already been apprized that their efforts have been attended, comparatively, with but trifling success to the sanguine hopes entertained. The enrolment has been confined principally to white men, who have sworn allegiance to the State of Georgia, and a few half-breeds, who, with all the members of their families, including negroes, amounted to about one hundred and seventy persons, at the time of our departure, (1st December,) or about twenty or twenty-five families at the extent. In view of the determination of the Cherokees never to abandon their country, this policy, it will be understood, (aside from its inconsistency to treaties,) can promise no flattering prospect of their entire removal, or any beneficial results to the United States, or to those upon whom it is designed to operate. And the permission granted by the Government, to citizens of the States, to go into possession of places from which emigrants are removed, we believe to be a departure from the firm pledges of the Government, contained in our numerous subsisting treaties, and the course of policy so long practised heretofore; all places in the nation, whether abandoned by emigrants or those not migrating, revert again to the nation, and their forcible possession by white families, we cannot view as a *reasonable or peaceable* extinguishment of that title, guarantied by treaty to the *nation*. By the treaty of 1819, a cession of lands was made to the United States, which is acknowledged to be in *full satisfaction for all claims*, which the United States had on our nation, on account of a cession west of the Mississippi, for those of the Cherokees who had, or *might thereafter*, emigrate to Arkansas, and that treaty is declared to be a *final adjustment* of that of July, 1817. If this emigration is intended to be conducted under the provisions of the treaty, concluded with the *Arkansas Cherokees*, we would respectfully protest against any further

measure, having for its object the destruction of our rights, under the sanction of an arrangement, with a people possessing no more right to engage in such an interference, than our nation to assume the right of regulating the removal of the Creeks or Chickasaws, by a treaty with the United States. The Executive has also been informed, no doubt, of the failure of the United States' agent to distribute the annuity as directed. The citizens of the nation, almost to unanimity, are averse to the contemplated mode of its disbursement, and to the number of some thousands forwarded their protests to the agent. The proper authorities of the nation have authorized their delegation to draw whatever annuities may due, and to receipt for the same, and will be prepared to exhibit their authority at such time as may suit the convenience of the Executive.

With sentiments of high respect,

We have the honor to be,

Your obedient servants,

JOHN MARTIN,

JOHN RIDGE,

W. S. COODEY.

Honorable SECRETARY OF WAR.

HOUSE OF REPRESENTATIVES *December 30, 1831.*

SIR: I enclose you a letter received from Reuben Thornton, esq., one of the gentlemen appointed to enrol emigrants from the Cherokee nation. Your attention is specially invited to the suggestion of the propriety of paying the emigrants for their improvements, previous to, or at the time of, their setting out for Arkansas. The suggestion of paying a certain sum to those proposing to remove, in lieu of the expenses of removal, and one year's support in Arkansas, strikes me with considerable force. But I doubt the power of the department, or of the Executive, under the law of 1830, appropriating the \$500,000 for the removal of the Indians, to make the proposed commutation. I have not the law before me, but this difficulty has occurred to me. If, however, on examining the law, you see no difficulty of this kind, I think the proposition worthy of serious consideration.

Very respectfully,

Your obedient servant,

THOMAS F. FOSTER.

Hon. LEWIS CASS.

CHEROKEE NATION, *December 19, 1831.*

MY DEAR SIR: I am now under the Blue ridge, encountering all the intensity of a bleak northwest wind, in addition to the severe frowns and cold looks of such of the nation and Indian country people, who have golden dreams of the supremacy of the Federal court over the State authorities, and a consequent abhorrence to hearing the word Arkansas mentioned. Under such circumstances, I avail myself of a seat in the corner of a cabin, by the fire, (surrounded by six dirty little children, with no other means of writing but upon my knee,) of communicating to you all the information in my power, relative to the proposed removal of the Indians by enrolment,

under the hope that it may be serviceable to our delegation in Congress, in the event the Indian question shall unfortunately be again agitated in Congress this winter.

The spirit of migration is very evidently increasing, and several families of influence, in different parts of the nation, have enrolled, and others making preparations to do so. Some few families of the full blooded Indians have enrolled, and a serious impression made on the minds of many others, in different sections of the country; but the great mass of the common Indians remain, as yet, inflexible, and under the unbroken influence of their chiefs.

There are upwards of four hundred of all sorts on the enrolment lists, and the necessary arrangements are now making, by Major Currey, the *superintendent*, for their immediate removal, which is anticipated to take place in the latter part of January, or first of February. It is the opinion of the gentlemen employed in the business, as well as my own, and also of many well informed persons in the country, that as soon as the first parcel receive payment for their improvements, it will produce a powerful effect upon others, and stimulate them to enrol. They have been told that they will never get their money if they enrol; and the delay in the payment of the sums due the former emigrants for the improvements they abandoned, has been a powerful argument, and successfully used by those who are opposed to the emigration plan.

You would, in my opinion, render essential service to the enrolling cause by urging adequate appropriations of money to be made this winter for that purpose, so as to have sufficient sums of money, *always* at the control of the agent, to meet any and every contingency that may occur in the progress of the removal of the Indians. Any deficiency in a prompt and punctual compliance with the assurances made by the enrolling officers, relative to the payment of money, will operate like water thrown upon fire; on the contrary, a punctual compliance with one will, as soon as it is known, beget an inclination in another to enrol, as it is a matter beyond all doubt that a gratification of their avarice and cupidity is the strongest inducement that can be offered to them by the Government. When all arguments fail, and the most untiring and anxious exertions of the officers of the Government leave them nothing but the conviction that there is a determined obstinacy pervading a very large proportion of all classes, yet we see cases where the mind suddenly yields when they are made sensible that they will realize more money by going than they possibly can by staying.

I would recommend to you, if possible, to procure the payment of the money for their improvements here. The Government seems to think the common Indians would be bettered by the payment (or a proportion of it) at the Arkansas; but when it is recollected that, at present, they can only be influenced by the example of the other classes, adequate and every inducement should be held out to those who possess the influence to enrol first; and they most decidedly want their money here, and many will not enrol unless they receive it here.

A good proportion wish to receive value for their improvements, and to retire into some of the States, and amalgamate themselves among the whites, having determined never to live under an Indian government again. I think it an act of justice, due to such, for the Government to grant to them the value of their improvements, and the sum it would require to remove them to the Arkansas, and let them go where they please, under restrictions not again

to become inhabitants of any Indian country east of the Mississippi. I have promised many to use my influence in procuring this privilege for them, and hope it may meet your approbation, and assistance at the War Department.

Major Currey being the superintendent for the removal of the Indians, it would be preposterous for me to make any personal communication on the subject to the department; I have, therefore, thought it not improper to make these suggestions to you as one of the representatives of the State.

It will be a matter of first importance to the enrolling cause, that Congress be silent on the Indian question this winter. The last hopes of many hang upon the interposition of the present session of Congress in their behalf, who, I believe, have made up their minds fully on the subject if they are disappointed in the anticipated assistance from that quarter. The question in the Supreme Court, relative to the missionaries, doubtless cannot reach the Indians; and if Congress does not agitate the subject to an injurious extent, I am fully satisfied they will either resort to a treaty in the coming year, or enrol in much larger parcels. I write you in great haste, and have not time to read over what I have written. I shall be glad to hear from you as early as possible, on the Indian subject, as well as any other matter of interest to the Government.

I have the honor to remain, dear sir,

With sentiments of personal esteem,

Very respectfully,

Your obedient servant,

REUBEN THORNTON.

The Hon. THOS. F. FOSTER,

Washington City.

LETTERS FROM THE DEPARTMENT TO AGENTS AND
OTHERS.

WAR DEPARTMENT, *January 7, 1832.*

SIR: I have had the honor to receive your letter of the 30th December, enclosing one from Mr. Thornton to you.

The President has been, and yet is, very unwilling to pay to the Cherokees the value of their improvements, prior to their arrival in their country west of the Mississippi. Although such a measure might be desired by the more improvident Indians, it would still be very unfortunate for them. This money is intended to aid them in opening their farms, and preparing for their permanent establishment in a new region. If exhausted without the attainment of these objects, their condition would be lamentable indeed. And there is too much reason to fear that such would be the case, were the money placed in their hands prior to the commencement of their journey.

Their habits of improvidence are known to you, and that the future, however important, yields to the slightest immediate temptation. Besides, we have and can have no security that they will go, if this course is adopted. The certainty of payment, west of the Mississippi, is a strong inducement for the journey. But if this be destroyed by an immediate payment, and they then decline to go, it is not easy to see what plan can be adopted to ensure their compliance with the contract.

So far as the public faith has been plighted by our agents, or hopes have been held out to them, that they should receive their money in Georgia, instructions have been given that payment should be made accordingly. But, further than this, the President is very unwilling to go, unless the event should clearly show that this course is essential to the success of the effort we are now making to induce the Cherokees to emigrate.

As your own view coincides with mine, respecting the proposition of Mr. Thornton to pay a definite sum in lieu of the expense of removal, and the first year's support, it is unnecessary for me to trouble you with any observations upon that subject.

I must ask your indulgence for the delay which has taken place in answering your letter. It has been caused by bad health.

I am, sir, &c., &c.,

LEWIS CASS.

To the Honorable THOMAS F. FOSTER,
House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, January 7, 1832.

SIR: I am instructed, by the Secretary of War, to reply to your communications to him, dated 2d and 3d instant.

By a letter recorded in this office, dated May 17, 1831, written by S. S. Hamilton, esq., to Col. John Crowell, Creek agent, I find the following en-

try: "Retained on the authority of the Second Auditor, to make good two drafts drawn by the chiefs, viz.: one to Col. Brearley for \$2,000, and one to Hawkins for \$1,500."

These probably are the two drafts to which you allude. Their amount (to wit, \$3,500,) was deducted from the Creek annuity. There are no documents or entries, in this office, by which it can be ascertained how the apportionment of the Creek annuity has been made among the western and eastern Creek Indians. On that subject, some dissatisfaction may have been experienced, and some complaint may have reached this office; because, in another letter, also recorded in this office, dated October 5, 1831, written by Mr. Hamilton, to Col. Crowell, he says, "I think it proper to add, in regard to the \$3,500, deducted from the Creek annuity of the present year, paid through you, that the matter will be examined into, so that it may be put right when the annuity of the next year is paid. If a mistake has been made, it cannot be sooner corrected."

An investigation will, therefore, be made, and if injustice has been done to the eastern Creeks, in apportioning the last year's annuity, it will be rectified in the distribution of their annuity for the present year. The whole annuity for the last year, due to the Creek nation, has been placed by the Government in the hands of its disbursing officer; and if too much has been paid to the western portion of the nation, it must be withheld from their part of the annuity payable this year, and be paid to the eastern Creeks.

This information would have been given to the chiefs on application to their agent, Col. Crowell, who is the authorized and proper organ of communication on such subjects.

On application to the Second Auditor's office, I am told that the appropriation of \$85,000, by act of Congress, passed March 3, 1817, for the relief of certain Creek Indians, has been fully expended.

I am, very respectfully, &c.,

ELBERT HERRING.

To JOHN H. BRODNAX, Esq.

WAR DEPARTMENT, *January 10, 1832.*

GENTLEMEN: I have received your letter of the 29th ultimo, and have been prevented, by indisposition, together with the pressure of other business, from an earlier attention to it. I am now to communicate to you the views of the President, upon the various subjects submitted for his consideration.

In the execution of this duty, I enclose a copy of the President's message to the Senate, of February 22, 1831; in which are distinctly stated his sentiments concerning the power of the Executive, under the intercourse act of 1802—to exercise summary authority in carrying into effect the provisions of that law, and the principles which will regulate his conduct. The question is one of remedy and not of right, and in the view of the President, the whole subject has passed from him to other constituted authorities. I refer you to the message for full information.

If any persons have settled upon any part of the Cherokee lands, in either of the States which has not extended its laws over them, the President will not hesitate to enforce the provisions of the intercourse act, upon being satisfied of the facts, and furnished with a general statement of the circumstances.

I do not see that the enrolment of such of the Cherokees, as desire to remove west, under the stipulations of the treaty of the 6th of May, 1828, with the western Cherokees, can give any just cause of complaint to those who decline a removal. If one party is free to remain, the other is equally free to go.

Nor do I see any injustice in permitting these emigrants to sell their possessions to the United States, and thus procure the means of establishing themselves comfortably in the district selected for their permanent residence. The plainest dictates of justice authorized this procedure.

The President being yet satisfied, as he was originally, that the payment of Indian annuities to the chiefs, instead of an equal distribution among the individuals of the tribes, is calculated to benefit the former and to injure the latter, sees no cause to change the rule he has adopted, and which has been extended to all the Indian tribes who receive annuities from the United States.

I have had many conversations with the President, concerning your situation, as well as that of the red people, generally, east of the Mississippi; and, I assure you, he is exceedingly anxious for the termination of all your difficulties.

Whatever you may have been told, or may be told, I know he is your friend, truly and sincerely so. He sees the embarrassments which surround you; and he is convinced, that for these, there is no remedy but in a removal beyond the immediate contact of the white people. As to coercion, none will be applied; such a measure is not in contemplation. You are free to remain, if that is your choice; but you must remain with the privileges and disabilities of other citizens. If you and your people are prepared for this, any further observations from me are useless. But if, as the President believes, and as all experience has heretofore shown, your people are not in a condition to resist the operations of those causes, which have produced incalculable injury to the Indians, every dictate of prudence requires that you should abandon your present residence, and establish yourselves in a country where abundance, peace, and improvement are offered to you. I do not address you as I should the great body of your people. You are well educated and intelligent; able to appreciate the value of our institutions, and fitted to enjoy them. Not so with your countrymen generally. As, therefore, you must judge for them, I trust you will view their situation as it is, and inquire what is best for them. Repel any intimation that the Government is unfriendly to you. They are as false as they are illiberal. Look at the difficulties of the case, both political and social, and ask yourselves if a satisfactory arrangement for your removal to, and establishment, west of the Mississippi, is not the only remedy for the evils of your position. Into such an arrangement the Government is prepared to enter, and in a spirit of good feeling and liberality, which will convince you of the sincerity of the assurances that you have received. All your complaints shall be heard, and ample compensation made whenever it is due. The future shall be provided for, and your permanent residence secured, with such assistance as may enable your people to live comfortably, and to improve in their social and political condition. Any reasonable amount, necessary to effect these objects, will be freely appropriated by the United States.

These assurances are given to you by the direction of the President; and I am satisfied, if they are received in the same spirit they are offered, that

they will open the way for a final and satisfactory adjustment of all your difficulties.

I am, with much regard,

Your friend,

LEWIS CASS.

To Messrs. JOHN MARTIN, JOHN RIDGE, WILLIAM S. COODEY.

WAR DEPARTMENT,

Office Indian Affairs, January 11, 1832.

SIR: In reply to your several communications, I beg leave to state, that the agent, Col. Ward, has not forwarded to this department the names of those persons who have, in due time, signified their intention of citizenship, under the 14th article of the treaty of "Dancing Rabbit creek." He will be instructed to forward to this office, the names of all those who have signified such intention; and it is highly probable, from the representations of those persons on whose behalf you have addressed the Secretary of War, that their names will be among the number.

With respect to your inquiries, as to Amelia and Letha Trahern, minors and orphans, I find that in a supplement to the said treaty, the following provision was made for them: "And there is given a 'quarter section of land each to Peggy Trahern,' an Indian woman residing out of the nation, and her 'two fatherless children.'"

It is believed that, to entitle a person to a conveyance in fee, under that treaty, on the expiration of five years after its ratification, he must not only have signified his intention of citizenship, but must also have actually resided upon the land during that period.

With very great respect,

Your humble servant,

ELBERT HERRING.

To the Hon. F. E. PLUMMER, *H. R. U. S.*

WAR DEPARTMENT, *January 12, 1832.*

GENTLEMEN: I am satisfied that, in the recent effort you have made to procure an arrangement, by which a sufficient portion of country could be assigned by the Choctaws for the use of the Chickasaws, out of the district allotted to the former, west of the Mississippi, every exertion was used to effect the object of the Government. But circumstances, independent of your control, seem to have combined to render the time an unpropitious one; and the absence of the principal chiefs necessarily led to a postponement of the affair.

Under these circumstances, the President, who is very anxious that this arrangement should be made, has instructed me to inform you that he still relies upon your exertions for the accomplishment of the object, and that he has entire confidence in your discretion and judgment.

He commits the subject to you, referring, as a general guide, to the previous instructions from this department. You will, therefore, take such measures as you think expedient, in the performance of this duty. You will ap-

point the times and places for meeting the Indians, issue any necessary instructions to the agents or other officers of the department, and generally adopt that course which seems to you most likely to attain the object.

The only limit I would suggest, would be the exercise of a just economy, having reference to the situation of the parties, and the importance of the measure. I shall be happy to hear from you on the subject.

Very respectfully, &c.,

LEWIS CASS.

To Gen. JOHN H. EATON and
Gen. JOHN COFFEE.

WAR DEPARTMENT,

Office Indian Affairs, January 13, 1832.

SIR: Your letters of the 4th instant, one to the Secretary of War, and the other to myself, have been duly received. Captain Brish will probably return to take charge of the Senecas, when the state of the weather shall be such as to enable them to resume their journey to the west.

Agreeably to your request, a copy of the map shall be forwarded to you at Upper Sandusky, soon as it can be procured.

I trust that the representations made to you, touching the satisfaction of the Wyandots with the country assigned to them, may prove to be authentic, and that you may soon be able to conclude a definitive treaty with them.

With much respect, &c.,

ELBERT HERRING.

To Col. JAMES B. GARDINER,
Special Agent, &c.

WAR DEPARTMENT, *January 14, 1832.*

SIR: I return the papers relating to the claim of the heirs of George Maffitt. This department can afford them no relief.

The treaty of September 29th, 1817, provided for a severalty of property among the Shawnees, stating the reservations for each; but the treaty of September 17, 1818, annulled this provision, and reserved the land merely to be held by the Indians as reservations had heretofore been held; consequently, Maffitt's heirs have only a joint claim to the Waupaghkonetta tract, with all the other Indians, to be enjoyed or disposed of as the tribe may determine.

I am, sir, &c.,

LEWIS CASS.

To the Honorable JOSEPH H. CRANE,
House Representatives U. S.

WAR DEPARTMENT,

Office Indian Affairs, January 14, 1832.

SIR: In reply to your communication of 5th inst. to the Secretary of War, I am instructed by him to state, that, after consultation with the President,

and full consideration of the subject, it is deemed unadvisable to conclude a treaty with that portion of the Wyandots called the Pagan or Savage party. The objection would be withdrawn, however, if that Pagan party compose undeniably the majority of the tribe. In that case, it might well be considered the act of the tribe. If they be not unquestionably the majority, it is apprehended that a treaty with them would but little benefit the Government, while it might occasion controversy and violence among the Indians. It is trusted, however, that your anticipated difficulty of making a treaty with the whole tribe may not present itself. The Secretary of War commits to your sound discretion the management of this business, with full confidence in your good judgment, and with a hope that the expected obstacles may not be interposed.

With much respect, &c.,
ELBERT HERRING.

To Colonel JAMES B. GARDINER,
Special Agent, &c.

WAR DEPARTMENT, *January 15, 1832.*

SIR: The President has referred to this department your letter to him of the 2d inst., and I have the honor to inform you, that, previously to its receipt, Mr. Hardin had been appointed an enrolling agent among the Cherokees.

Had the appointment of Mr. Hardin depended upon the removal of Mr. Thornton, your estimate of the comparative claims of those two gentlemen would have led immediately to that measure; but, as the number of these agents is discretionary, depending upon their services, and the necessity for them, it has been thought best to instruct Mr. Currey, the superintendent, to dismiss Mr. Thornton without delay, if his services are not such as to justify his retention; and, at any rate, to report to the department what he has done, and the general course of his conduct.

Very respectfully, &c.,
LEWIS CASS.

To his Excellency WILSON LUMPKIN,
Governor of Georgia.

WAR DEPARTMENT, *January 16, 1832.*

DEAR SIR: I have received your letter of December 23d, and with respect to an immediate location in the Chickasaw country, beg leave to inform you that the consummation of the treaty with that tribe depends upon an arrangement with the Choctaws, for the assignment of a portion of their country to the former. Until this is completed the Chickasaws retain the title of their land in Mississippi. We have not yet been able to effect this, though no exertion has been spared upon the subject. In the mean time, there is no power in the Government to permit settlements upon the Chickasaw land. I trust, however, this state of things will continue but a short time.

With respect to employment I should be happy to gratify you, were there any vacancy of the nature you refer to. I, however, know of none, and the

continued pressure upon the department for appointments, diminishes the chance of success in individual cases.

I am, dear sir, yours, &c.

LEWIS CASS.

To JOHN THOMPSON, Esq.,
Memphis, Tennessee,

WAR DEPARTMENT, *January 16, 1832.*

MY FRIENDS: I have received your letter of the 29th ultimo, and refer you to the accompanying message from your great father, the President, to the Senate of the United States, for an answer to it. Your friend, Colonel Brodnax, will fully explain the matter to you, so that you will be able to understand it yourselves and to state it to your countrymen.

Allow me once more to urge upon you the necessity of a removal to the country west of the Mississippi. There, beyond the jurisdiction of any State, and under the protection of the United States, you can enjoy your own institutions, without the fear of interruption, and can establish yourselves permanently and comfortably. You can live as your fathers lived, if you wish it; or you can follow our example, and become a stationary and an agricultural people. Can you do this where you now are? You have become citizens of Alabama. The laws of your white neighbors are now your laws; you must pay the debts you contract, and must not injure yourselves or others to gratify a spirit of revenge. This is all right and just. It is our system; and I hope, in time, will become yours. But are you prepared for it now? Will not its operation subject you to great inconvenience, and will not many of your rash young men be exposed to those penalties which we inflict upon all who violate our laws? If there is no danger of this, if you can preserve your property from the temptations which will surround you, and if you will submit cheerfully to the duties we impose upon ourselves, then I advise you to remain. You will be subject to just and equal laws, and will be far happier than your ancestors were before you, when their business was war, and when their amusements were of the most sanguinary character. I have not been among your people, and therefore cannot judge from my own observation; but, from all I have heard, I am satisfied your condition is deplorable; that you cannot live as your people formerly did, by the chase; for the animals which supplied them have disappeared from among you. I apprehend you are not yet prepared, by knowledge or habits, for our institutions; and that the great body of your people cannot content themselves with the steady labors of agriculture. They are surrounded by our settlements. Ardent spirits are in every corner of the country. Your bad men will buy, and our bad men will sell; and thus you become debased, indolent, and improvident. Your families are neglected, your health and morals ruined, and you will inevitably subject yourselves to breaches of the law, and to consequent punishment. Your friend, Colonel Brodnax, told me to-day, in your presence, that the great body of your countrymen had been, during the past season, in the most wretched condition; absolutely starving, or subsisting upon the bark of trees. How can the possibility of remaining where you now are, atone for this misery? Contrast this with the situation of that portion of your tribe already west of the Mississippi, and then ask your-

selves if that counsel is not the best which urges you to flee from the evils of your present position, and to seek comfort and plenty where your people have already found them.

The subsistence department has been informed that they have offered to the agents of the Government to sell about fifty thousand bushels of corn, for the subsistence of the emigrating Indians. Is he your real friend who advises you to remain and thus drag out a miserable existence where you are now, instead of seeking in a fine country that abundance which is offered you?

If you wish to go, every liberality shall be extended to you: money, provisions, agricultural instruments, domestic animals, schools, teachers, in short, every thing which can enable you to sit down with an assurance of a permanent prosperity, and to sit down where no bad white men will trouble you, where no ardent spirits will tempt or debauch you, and where the land will be yours as long as the grass grows and rivers run. This is not a question of money with your great father, but one of peace, comfort, and security for his red children. He will deal with you in a spirit of the utmost liberality. But if you choose to remain, so be it. No one will compel you to go; no force will be applied.

You are as free to stay as we are; and, whether on this or the other side of the big river, your great father will never cease to regard your situation with anxious care, and to promote, as far as is in his power, your welfare.

Open your ears to what I say to you; and sincerely do I hope that the Great Spirit will guide you in that course which can alone preserve you from ruin.

Your friend,

LEWIS CASS.

To the CHIEFS OF THE CREEK TRIBE, *now in Washington.*

WAR DEPARTMENT,

Office Indian Affairs, January 17, 1832.

SIR: Reports unfavorable to the qualifications of Reuben Thornton, as enrolling agent, having reached this department from a source entitled to high respect, you will have the goodness to ascertain the truth of the report; and if it be well founded, you will be pleased to inform Mr. Thornton that his further services in that capacity will not be required.

With much respect, &c.,

Your humble servant,

ELBERT HERRING.

To BENJAMIN F. CURREY, Esq.,

Superintendent of emigration, &c.

WAR DEPARTMENT.

Office Indian Affairs, January 17, 1832.

SIR: Many inquiries have been lately made at this office, for the purpose of ascertaining whether certain persons had signified their intention of citizenship, conformably to the provisions of the treaty with the Choctaws, at Dancing Rabbit creek, on the 27th September, 1830.

Will you have the goodness to forward to this department, a register of the names of all those persons who have duly signified such intention.

With much respect,

ELBERT HERRING.

To Colonel WILLIAM WARD, *Indian Agent, &c.*

WAR DEPARTMENT,

Office Indian Affairs, January 18, 1832.

SIR: I am instructed by the Secretary of War to reply to your communication of the 12th ultimo, asking information concerning the policy of the Government with respect to the Cherokee Indians, in the event of a treaty being made with them. It is the anxious desire of the President, that those Indians should retire from the confines of Georgia, founded on a settled persuasion of his mind that their removal to the west would result in their own benefit, and that of our people. The reasons inducing such belief will naturally present themselves to your reflection.

But notwithstanding his anxiety for their removal, the President would feel disinclined, in their present distracted condition, to conclude a treaty with the minor portion of the tribe. If, however, on reviewing the disadvantages of their present position, and looking at the brighter prospect presented by their re-union with their brothers in the west, the majority should incline to treat, they would be met with a spirit of liberality, and a treaty would be made with them similar in its provisions to that of July 8, 1817, and the convention of February 27, 1819, in which there were reservations of land for those Indians who might wish to remain, giving to every head of a family a life estate, with a reservation in fee-simple to their children, on certain conditions.

I have the honor to be,

With much respect,

Your humble servant,

ELBERT HERRING.

To the Hon. D. R. MITCHELL.

WAR DEPARTMENT,

Office Indian Affairs, January 18, 1832.

SIR: In reply to your letter of the 10th instant, requesting "that the amount of a certain draft, drawn by the chiefs and head-men of the Chippewa Indians, should be retained out of their next year's annuities," I am instructed by the Secretary of War to state, that many similar applications have been recently made to this department, and have been uniformly refused. It is an established rule not to interfere in this mode in any cases of contract between the Indians and other persons. The rule originated from a desire, on the part of the Government, to prevent imposition on the Indians; and although in your case there could be no suspicion of such unfairness, still your application must necessarily share the general fate. The Secretary of War regrets that your request cannot be granted.

The draft is herewith returned.

With much respect, &c.,

ELBERT HERRING.

To JAMES ABBOT.

WAR DEPARTMENT, *January 19, 1832.*

SIR: In looking into the state of the Creek annuity, it cannot be found that Colonel Crowell has made any explanations respecting it. As a preparatory measure to the investigation, he has been this day instructed to report the circumstances connected with it. When his answer is received, the application of Mr. Hill shall be decided.

With much respect, &c.,

LEWIS CASS.

To the Hon. HENRY G. LAMAR, *H. R. U. S.*

WAR DEPARTMENT,

Office Indian Affairs, January 19, 1832.

SIR: In consequence of applications to the department concerning the annuity of 1830, due to the western Creeks, I will thank you to inform me what portion of that annuity remains in your hands, and what mode of payment to the Indians would be most expedient.

In your letter of September 20th, 1830, you say, "nor have I had an opportunity of forwarding the annuity due to the western Creeks."

Be kind enough to communicate the information soon as possible.

With much respect, &c.,

ELBERT HERRING.

To Col. JOHN CROWELL, *Creek Agent.*

WAR DEPARTMENT,

Office Indian Affairs, January 19, 1832.

SIR: Your letter of the 19th ultimo, to the Secretary of War, is received at this office. The bond enclosed therein has been approved, and entered upon record.

Very respectfully, &c.,

ELBERT HERRING.

Major F. W. ARMSTRONG,

Agent for Cherokees west,

WAR DEPARTMENT, *January 19, 1832.*

SIR: I enclose an account for the services stated in your letter to have been rendered at the treaty of Prairie du Chien, and for which you claim payment, together with a certificate for your signature.

If the account and certificate is according to the facts in the case, sign the latter, and I will order the amount claimed to be paid, &c.

Very respectfully,

LEWIS CASS.

To CALEB ATWATER, Esq.,

Columbus, Ohio.

WAR DEPARTMENT,
Office Indian Affairs, January 21, 1832.

SIR: Accompanying this letter, I send copies of the abstracts prepared by Major Armstrong, showing the number and position of the Indian reservations, made agreeably to the treaty of September 27th, 1830, with the Choctaw tribe of Indians. The value of these reservations, and of the other property, was estimated together; nor are there any means by which this office can ascertain the separate value of each.

No evidence exists in this office of any contract having been made for the sale of any of these reservations, nor has any such contract been confirmed or rejected; nor has any license or authority been given to any person, or persons, to make purchases of said reservations. Copies of all the papers on file in this office, which relate, in any manner, to this subject, are herewith enclosed.

Very respectfully, &c.,

ELBERT HERRING.

To his Excellency LEWIS CASS,
Secretary of War.

WAR DEPARTMENT, *January 23, 1832.*

SIR: In answer to your letter of yesterday, I have the honor to inform you, that the Choctaw treaty, of September 27th, 1830, provides, in the 13th article, that an agent shall be appointed for the Choctaw Indians, west of the Mississippi; and that, in his selection, the wishes of the Choctaw nation shall be entitled to great weight.

No law having yet passed creating this office, all that the Executive could do, when it became necessary to provide for the appointment, in order to prepare for the emigrating Choctaws, was to select a person to act in this capacity until legal provision could be made for filling the office. With that view, Major Francis W. Armstrong was, on the 7th September last, appointed to this duty. Where he had previously resided I do not know; I think, however, he was marshal of Alabama, and he had been engaged in the examination and estimate of the Choctaw property under the provision of this treaty.

I enclose a copy of the application from the Choctaw chiefs, received after the selection of Major Armstrong.

With great respect, &c.,

LEWIS CASS.

To the Hon. F. E. PLUMMER,
House of Representatives U. States.

WAR DEPARTMENT,
Office Indian Affairs, January 23, 1832.

SIR: In reply to your communication, enclosing the petition of certain chiefs of the Chippewas, Ottaways, and Pottawatamies, to make a survey and conveyance of four sections of their land for the establishment of a school to

educate and civilize their tribes, I am instructed to state that, the object appearing to be meritorious, their petition is granted; and that when the deed is prepared the President will endorse his approval thereon.

I have the honor, &c., &c.,

ELBERT HERRING.

To the Hon. ELIAS K. KANE,
United States' Senate.

WAR DEPARTMENT, *January 23, 1832.*

SIR: I have received your letter, of yesterday, enclosing one to you from Mr. Wells, respecting the purchase by the Government of a section of land granted to him by the treaty of St. Mary's, and located, as he states, within an Indian reservation.

In answer, I beg leave to observe, that there are no funds at the disposal of this department which can be applied to this object, without injury to the public service; and that any relief, to which the applicant may be entitled, can only be granted by Congress.

I return Mr. Wells's letter.

I am, sir, &c., &c.,

LEWIS CASS.

To the Hon. JOHN TIPTON,
United States' Senate.

WAR DEPARTMENT, *January 25, 1832.*

SIR: I have had the honor to receive your letter of the 23d instant.

* * * * *

I have understood from the President, that he has already mentioned to you his willingness to treat with the Florida Indians for the relinquishment of their present reservations, and for their removal to the country west of the Mississippi, whenever there is a probability that a negotiation for those objects would be successful; as he is indisposed to encounter the previous necessary expense, without an intimation of this nature. He has also so stated to Major Phagan, with the view that the latter might make inquiry immediately, and report the result. If you have any information upon the subject, I should be happy to receive it; and, should it hold out a reasonable prospect of success, measures shall be taken, without delay, to effect the removal of the Indians.

Very respectfully, &c.,

LEWIS CASS.

To the Hon. JOSEPH M. WHITE,
House of Representatives U. States.

WAR DEPARTMENT,

Office Indian Affairs, January 25, 1832.

BROTHERS: I am instructed by the Secretary of War to say, that he has received your letter announcing your determination "to go home and con-

sult your head-men and warriors on the subject of your visit to this place; and, also, your desire that the Secretary of War would accompany you to your father, the President, to take leave of him." If you will have the kindness to call at the office of the Secretary of War any time this morning, or to-morrow, he will accompany you to see the President.

With much respect, &c.,

ELBERT HERRING.

To the CREEK DELEGATION.

WAR DEPARTMENT,

Office Indian Affairs, January 25, 1832.

SIR: A portion of the Creek delegation, now here, will set out to-morrow on their return home, for the purpose, as they allege, of informing their people of the real state of their affairs, and to consult with their head-men and warriors, with respect to the course now most proper to be adopted. They will probably inform you of their willingness to negotiate, &c. You will be pleased to ascertain that fact; and, if you find to your entire satisfaction that they incline to a negotiation on proper terms, you will have the goodness to repair here soon as convenient, with three or four of their principal chiefs, at the expense of the Government. Be careful in ascertaining their desire to treat on just and reasonable terms; and do not incur the expense of coming to Washington, unless there be good ground to believe they will make a treaty.

With much respect, &c.,

ELBERT HERRING.

Col. JOHN CROWELL, *Creek Agent, &c.*

WAR DEPARTMENT,

Office Indian Affairs, January 25, 1832.

SIR: I am instructed by the Secretary of War to reply to your letter of the 5th instant, with respect to the emigrating Senecas and Delawares, now in Indiana, on their way to the west.

You will be pleased to cause the removal of those Indians with all proper despatch, and with the least possible expense to the Government. You will be pleased to inform Mr. Martin Lane (who now has them in charge) of this arrangement.

Mr. Lane's account must be settled through his employer, Mr. Brish.

With much respect, &c.,

ELBERT HERRING.

To Gen. WILLIAM CLARK,

Superintendent Indian Affairs, St. Louis, Mo.

WAR DEPARTMENT,

Office Indian Affairs, January 26, 1832.

SIR: In reply to Judge Hayward's note to you, of 21st instant, asking whether the Indian title to lands in the State of Alabama, on the Chatahoocchie river, opposite Fort Mitchell, has been extinguished, I beg leave to

state, that, after examining the different treaties made with the Creeks, and also the map in this office, on which are delineated the various cessions of land under those treaties, there is a considerable triangular tract on the west side of that river, and opposite Fort Mitchell, the Indian title to which has not been extinguished.

I have the honor, &c.,

ELBERT HERRING.

To the Hon. LEWIS CASS, *Secretary of War.*

WAR DEPARTMENT, *January 27, 1832.*

SIR: In answer to your letter of the 21st inst., I enclose the report of the officer in charge of the bureau of Indian affairs, which gives the information you wish.

Very respectfully, &c.,

LEWIS CASS.

To the Hon. ELIJAH HAYWARD,

Commissioner of the General Land Office.

WAR DEPARTMENT, *January 27, 1832.*

SIR: I have had the honor to receive your letter of the 10th instant, and have submitted it to the President. He has requested me to communicate his views upon the subject to which you refer.

In a message transmitted to the Senate, during the last session of Congress, and which has probably met your eye, are fully disclosed the sentiments of the Executive upon the various topics connected with the situation and claims of the Cherokees, living within the limits of Georgia. By advertng to that message, you will find the President considers the provision in the intercourse act of 1802, declaring that nothing in it "shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of citizens of the United States, and being within the ordinary jurisdiction of the United States," as applicable to the existing state of things in the Cherokee country. The reasons you will find amply disclosed in the message, and the conclusion deduced and announced that the President has no right in that district of country to exercise the summary authority of removing intruders by military force. This authority being given by that law, and rendered imperative, in the opinion of the President, by the occurrence of the two circumstances, provided for, has ceased to exist.

It is, however, manifest that this view affects not the rights of the Cherokees, whatever these may be, but the remedy for enforcing or deciding them. The power of the President was an executive one. He believes it has ceased, and this belief has been communicated in a former message to the Senate. The power of Congress to provide further remedies, if further are required, or of the judicial tribunals of the State, or of the Union, to entertain jurisdiction of the matter, if such jurisdiction belong to them, is not at all affected by this course of procedure on the part of the President. By an examination of the message to which I have referred, you will find an ample discussion of the whole subject, and of the views then and yet entertained by the President.

I fully accord with you in opinion respecting the inexpediency of interfering with the possessory rights of the Indians, without their free consent. There are very grave, moral, as well as political considerations, which present themselves in opposition to such a course. I cannot but hope that the measure will not be attempted.

With great respect, &c.,

LEWIS CASS.

To the Hon. WILLIAM H. CRAWFORD,
Near Lexington, Ga.

WAR DEPARTMENT, *January 30, 1832.*

SIR: I have thought it best to send you a special report, respecting Mrs. Douglass's claim, so that you can explain to young Mr. Douglass the present state of the matter, in order that he may be prepared to show precisely the services rendered by his father. I return the papers enclosed to me.

Very respectfully, &c.,

LEWIS CASS.

Hon. WILLIAM T. BARRY.

WAR DEPARTMENT,

Office Indian Affairs, January 28, 1832.

SIR: In reply to the honorable W. T. Barry's letter of the 22d instant, with respect to a claim presented by Mrs. J. Douglass, administratrix of William Douglass, deceased, I have the honor to state that William Douglass was appointed by the honorable P. G. Randolph, Acting Secretary of War, on the 14th July, 1831, under the 16th article of the treaty of September 27th, 1830, with the Choctaws, to value their cattle and dispose of them at public sale, for the benefit of the United States. He was required to give notice to those Indians of the time he would commence valuation, that they might collect their cattle; and also to give public notice of the time of sale. He was required to keep a register of the names of the Indians, whose cattle should be valued and sold, and the kind and number of cattle belonging to them respectively, the names of the purchasers and the price. After the valuation and sale, he was to transmit a certified copy of the register to the department. He was to be allowed one thousand dollars for performance of the duty, to be paid after the completion of the business, and the receipt of his report in the case, accompanied by the original register.

The only letter, or communication of any kind, from William Douglass, is the following:

MOUTH OF WHITE RIVER, A. T., *August 20, 1831.*

DEAR SIR: Yours of the 14th last month is before me, in which I thank you for the honor you have conferred on me. I will accept of the special agent, under the 16th article of the treaty of the 27th September, 1830, with the Choctaw nation of Indians, to value the cattle, &c. I will leave this for Vicksburg in the first steamboat, and from thence go to the Choc-

taw agent, where I will despatch the duties of special agent as fast as possible.

Your most obedient servant,
WILLIAM DOUGLASS.

Mr. William Douglass died on the 9th of September, 1831. You will observe that William Douglass died in twenty days after his acceptance of the appointment; that he had to travel a considerable distance from the place where he so accepted it, to the Choctaw agency; and that, in all probability, no other step was taken by him under this office, unless possibly to give notice to the Indians of the time he would commence valuing their cattle.

No account has been forwarded to the department specifying services, but a mere claim has been presented. The death of Mr. Douglass, almost immediately after accepting his office, renders it certain that he could have done but little, if any thing, under that appointment.

I have the honor, &c.,
ELBERT HERRING.

To his Excellency LEWIS CASS,
Secretary of War.

WAR DEPARTMENT, *January 30, 1832.*

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, respecting the situation of the Seminole Indians, in Florida.

The accompanying papers (marked A) exhibit all the information concerning the number and condition of these Indians.

The same general causes which are every where producing want and misery among the Indians, who are placed in immediate contact with our settlements, are operating upon the Seminole Indians, and are probably aggravated by peculiar circumstances. I understand that their location is an unfortunate one; and that there is no game to supply their wants, when their crops fail, either through their own indolence or the unfavorableness of the season.

In addition to these considerations, there can be no doubt, but that the funds which have, from time to time, been applied towards their subsistence have had a tendency to paralyze their exertions, and have taught them to look to the Government for aid; thus fostering that indolence and improvidence which so peculiarly mark the Indian character. It will be seen, by adverting to the paper marked B, that the sums already applied towards the relief of these Indians have been very great, in proportion to their numbers, and in fact, far greater than any similar expenditure which has been elsewhere made.

I believe these gratuities are worse than useless. Accidental causes may produce temporary distress; and, on such occasions, the Government may very properly interpose for the relief of the Indians. But when such a practice is repeated, and they are led to depend upon this source for these supplies, they will necessarily sink into an abject and dependent condition.

There is reason to believe that these Indians would enter into a treaty for the relinquishment of their lands in Florida, and for their removal to the district assigned for the permanent establishment of the Creeks, west of

the Mississippi. Certainly if their condition has been and is such as we have reason to believe, the sooner they remove from the present scene of their sufferings, and join their countrymen who are stated to possess in abundance the necessities of life, the sooner will they escape from these periodical visitations.

Having no doubt but that such should be their course, the President has directed that a negotiation be immediately opened for this purpose; and instructions have already been prepared with that view.

The person entrusted with this negotiation has been directed, if the Indians enter into an arrangement upon the basis proposed, being that already established for other emigrating tribes to supply their immediate wants, and to insert a stipulation in the treaty for the payment. But if they refuse, he has been instructed to inform them that the Government deems it wholly useless to provide these supplies, as it only encourages them to depend upon others, and not upon themselves.

As soon as the result is known, it shall be communicated to the committee, with a view to an appropriation, if that be necessary; and if not, then for such a course as Congress may think proper to adopt.

Very respectfully, &c.,

LEWIS CASS.

To the Hon. HUGH L. WHITE,

Chairman of the Committee on Indian Affairs, U. S. S.

WAR DEPARTMENT, *January 30, 1832.*

SIR: It has been represented to this department, that the Florida Indians are in a suffering condition, unable to provide the necessary food for themselves. And it has been further represented, that they would be willing to enter into a negotiation for the relinquishment of their reservations in Florida, and for their removal to the Creek country west of the Mississippi, where, as a constituent portion of the Creek tribe, they are entitled to a residence.

For the purpose of effecting these objects you are appointed a commissioner, and you will be pleased, without delay, to meet the Seminole Indians, and to inform them that the United States are ready to accept a relinquishment of their lands in Florida, and to remove them to the Creek country west of the Mississippi; and this arrangement you may complete upon the following terms:

1st. The Florida Indians are to proceed and join their countrymen, the Creeks, west of the Mississippi, and to become a constituent portion of that tribe. This removal to take place during the present year, if possible; but at any rate during the next, and to be made at the expense of the United States.

2d. The Florida Indians shall receive from the United States sufficient supplies of corn, and beef or pork, for their support, for the term of one year after their arrival at their new home.

3d. Reservations may be granted, if necessary, upon the principles contained in the 14th article of the Choctaw treaty, concluded September 27th, 1830, a copy of which is enclosed for your information.

4th. Cattle may be taken, as provided in the 16th article of the same treaty, and all improvements may be paid for which add real value to the land.

5th. All former annuities to be paid to the Creek nation west of the Mississippi, and an annuity not exceeding \$4,000, or as much less as they may be content to take, to be added to the amount now payable to the Creeks; it being the object of the Government to insure a complete union between the Florida Indians and their original stock, the Creeks. But no annuity to be extended beyond the term of twenty years.

6th. Reasonable provision may be made for the various objects stated in the 20th article of the Choctaw treaty, should the Florida Indians desire it.

But the school fund must not exceed \$3,000 for twenty years. It is believed, however, that the situation of the Florida Indians does not require many of these expenditures, nor in any case must they exceed one-fifth of the amount allowed to the Choctaws, that being about the proportion of the numbers of the two tribes.

Should you feel yourself at a loss, the provisions of the Choctaw treaty will be a guide for you, so far as the same may be applicable to the condition of the Florida Indians. It is to be observed, however, that all the stipulations which look to an independent situation for the Choctaws west of the Mississippi, can have no relation to the Florida Indians, who will become associated with the Creeks. And under any circumstances, I consider the 1st, 2d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 21st, and 22d sections of the Choctaw treaty inapplicable or unnecessary, in consequence of the peculiar situation of the Florida Indians.

You are authorized to issue the necessary provisions to the Indians while they are assembled together at your request. Your vouchers for this expenditure will be the original bills of parcels, and regular returns, day by day, of the issues, certified by yourself, and attested by the person who may make them.

Should your negotiation be successful, and should the situation of these Indians require relief, you may supply them daily with one pound of fresh beef, or three-quarters of a pound of salt pork, for each individual, and one bushel of corn for every forty persons, for a term not exceeding three months. For the payment of the expenses incurred for this object, you will provide by an article of the treaty, and the purchases will be made with the understanding that they are not to be paid for till an appropriation shall be made. You will report in detail all the necessary facts, and will account for these issues as above prescribed.

Such assistance as may be necessary you are at liberty to procure, and to allow a reasonable compensation. But I recommend to you strict economy in all your expenditures, and also great caution in the selection of persons to aid you. They should be men of character and established probity.

Your own compensation will be eight dollars per day while engaged in holding the councils, and eight dollars for every twenty miles you may travel to and from the place of meeting. You may appoint a secretary, who will be allowed five dollars a day, and five dollars for every twenty miles travel. Your account and his will be certified upon honor.

Bills for all your expenditures in holding the treaty may be drawn upon this department, and will be paid upon sight. Regular vouchers will be taken, and immediately transmitted to the Second Auditor of the Treasury for settlement. In the whole course of your negotiation, be pleased to take particular care that the Indians understand your offers and objects. Explain the whole matter fully and plainly. Let them see all the disadvantages of their present position, and all the benefits of removal, and let them decide.

freely. But suffer no influential persons to appropriate to themselves an undue share of the consideration to be allowed.

I enclose a copy of a letter to the honorable H. L. White, with the statements which accompanied it, in order that you may understand the views of the President in relation to the present condition of these Florida Indians.

Very respectfully,

Your obedient servant,

LEWIS CASS.

To Col. JAMES GADSDEN,
Commissioner, &c.

WAR DEPARTMENT,

Office Indian Affairs, January 31, 1832.

SIR: I am instructed by the Secretary of War, to reply to that portion of your excellency's communication of 24th November last, which has not been answered by him.

The annuities of the Quapaws have been regularly paid by the Government. From entries in the books of the department, there appears to be nothing due to them, except fifty-four dollars and ninety-four cents, a balance of last year's annuity. Unless they have already received it, they can recover from Governor Izard's representatives that sum, which was paid by the Government to him, for them, and which they agreed should remain in his hands.

By the treaty of 1824, the Quapaws ceded to the United States, all their right and title to land in the Territory of Arkansas, and stipulated to remove to, and dwell in the district of country inhabited by the Caddo Indians, and to form a part of that tribe. The Government paid the expense of their removal, and their cession; removal and permanent residence in the Caddo country were the consideration of their annuity. They have forfeited it by returning from the country allotted to them by the Government. The payment of their annuity will be suspended until they rejoin their tribe, and reside in the Caddo country.

A petition from the Shawnees, in Arkansas Territory, has been lately presented to this department, soliciting permission to settle on lands on the Verdigris river, and proposing to give for them that portion of land on the Kansas river to which they are entitled. The request cannot be granted, it being difficult to procure from Congress appropriations necessary to extend to all the tribes those benefits that have already been extended to them; and the President insists that they also remove to their western domain, where they may live unmolested and uninjured, free from the rapacity and imposition of the worthless part of our own people, who cheat and defraud, and wrong them, utterly reckless of the sufferings they occasion.

I have the honor, &c.,

ELBERT HERRING.

To his Excellency JOHN POPE,
Governor of Arkansas Territory.

WAR DEPARTMENT,

Office Indian Affairs, January 31, 1832.

SIR: In reply to your letter of the 20th ult., recommending a council with the Panis, "for the purpose of extinguishing their title to such portion

of their land as is embraced in the tract assigned to the Delawares," I am instructed by the Secretary of War to desire you to investigate the title of the Panis to the land claimed by them, and conveyed by the United States to the Delawares; and to communicate the result of such investigation, together with your free and full views and opinion on the subject matter of your letters, that the department may afterwards decide on the course to be pursued.

You will also be pleased to keep the department advised of any hostilities or aggressions, among the tribes, particularly against the emigrating Indians; and suggest freely all that occurs to prevent or repress these evils. The measures adopted by you, in relation to the difficulties between the Panis and Delawares, and between the Omahas and Ioways, are approved.

The claim of Ne-coming, a Delaware war chief, will be recommended to Congress for a pension.

It is deemed unadvisable to permit a deputation of the Ioways, Sacs, and Foxes, to visit Washington.

With much respect, &c.,

ELBERT HERRING.

To General WILLIAM CLARK,
Sup't Indian Affairs, &c.

WAR DEPARTMENT,

Office Indian Affairs, January 31, 1832.

SIR: In answer to your letter of 13th inst. to this department, I would observe that a title to Indian land, derived from the Indian to an individual, would not be valid.

This is an answer to all your questions, inasmuch as they were all proposed on the supposed right of the Indians to sell to an individual.

With much respect, &c.,

ELBERT HERRING.

MR. JEREMIAH HUMPHREYS.

WAR DEPARTMENT, *February 3, 1832.*

SIR: I have had the honor to receive your letter of the 31st ult., together with the one from Mr. Green to me, enclosed in yours.

In adverting to the provisions of the Choctaw treaty of 1830, I do not find that any authority is given to the Executive to take any measures in relation to the valuation or disposition of the school property, held for the benefit of the Choctaw Indians. So far as this property is connected with the realty, it would pass with the latter, unless Congress should think proper to direct otherwise. And so far as respects the personal property, the treaty itself containing no arrangements upon the subject, I do not see that the President can comply with the suggestions which have been made, however reasonable in themselves; as the funds have been appropriated for a specific object, and the proceeds may be applied towards their accomplishment,

as well upon the western as upon the eastern side of the Mississippi, I presume it would be competent for this department, as soon as the circumstances of the case may require it, to assent to the conversion of the personal property, belonging to these establishments, into other funds, and to the application of the latter to the purposes of education among the Choctaws, after their arrival in their new country.

For any thing further than this, it will be necessary for the board of missions to apply to Congress.

May I ask of you the favor, after reading this letter, to transmit it to Mr. Green, as an answer to his upon the same subject.

Very respectfully, &c.,

LEWIS CASS.

Honorable T. FRELINGHUYSEN,
United States' Senate

WAR DEPARTMENT,

Office Indian Affairs, February 3, 1832.

SIR: Your letter of 1st inst., enclosing certificate of inspection, and invoice of rifles, has been received.

The inspectors having suggested considerable alterations in rifle guns, it will very probably be for your interest to forward to the department a sample for inspection.

With much respect, &c.,

ELBERT HERRING.

To GEORGE W. TRYON.

WAR DEPARTMENT,

Office Indian Affairs February 6, 1832.

SIR: Your letter of the 25th ult., communicating the situation of the Seneca Indians, under your care, has been received. General Clark had been previously directed to take the necessary measures for their removal.

The department is not at all satisfied that there was any necessity for the delay upon the journey of these Indians. It seems to have been wholly uncalled for. With ample means of transportation and subsistence, they should have continued on to St. Louis, without stopping. As little as possible, therefore, will be allowed for their further removal; and General Clark has been instructed to use all possible economy upon that subject.

The Senecas having now left Ohio, your services as sub-agent will be discontinued upon the receipt of this communication.

Very respectfully, &c.,

ELBERT HERRING.

To HENRY C. BRISH, Esq.,
Sub-agent, Fort Ball, Ohio.

WAR DEPARTMENT,
Office Indian Affairs, February 6, 1832.

SIR: Mr. Henry C. Brish has been this day written to, by this department, that the Senecas having removed from the State of Ohio, his services, as sub-agent, would be discontinued from the receipt of that communication. You will, therefore, no longer consider him acting in the capacity of sub-agent.

With much respect, &c.,
ELBERT HERRING.

To Col. JOHN McELVAIN,
Indian Agent, &c.

WAR DEPARTMENT,
Office Indian Affairs, February 6, 1832.

SIR: Your letter of the 6th ultimo has been received, and ten thousand dollars will be remitted to the Cherokee agent, Colonel Montgomery, to pay for improvements of those persons to whom a promise was given of paying for them previously to their removal; but the President still insists that, for the future, the improvements shall not be paid for until after the arrival of the Indians at their western home, unless it shall conclusively appear that such an arrangement prevents their removal; and, in that event, no more than half the amount of their improvements will be advanced, it being understood that you take no measures, nor give any pledge, to that extent, without first apprizing the department and receiving its sanction.

If attempts shall be made to injure the enrolling Cherokees in their persons or property, you will immediately adopt the necessary means for the legal arrest and trial of the offenders.

The utmost confidence is reposed in your judgment and integrity as superintendent; and you may, therefore, dispense with the services of any person employed whose agency you may think unnecessary.

If Mr. Davis should not arrive in season, and Colonel Montgomery should be unable to proceed with the assessment, you are at liberty to select some other person to discharge that duty.

In the case stated by you of negroes or other property belonging to emigrating Cherokees, and in the possession of other Indians, you will use all legal measures for the recovery on behalf of the rightful owner. The means to be adopted for that purpose, will depend upon the laws of the particular State or Territory, where the person in possession of the property resides, or may be arrested.

In the event of a treaty with the Cherokees, it is probable it will be concluded here; and it is therefore considered inexpedient, in the uncertainty of that measure, to invite any portion of the western Cherokees to this place, as it would occasion great expense.

With great respect, &c.,
ELBERT HERRING.

To BENJAMIN F. CURREY, Esq.,
Supt. emigration, &c.

WAR DEPARTMENT,

Office Indian Affairs, February 6, 1832.

SIR: I have received your letter of the 21st ultimo, with the abstracts of names of Cherokee emigrants.

Very respectfully, &c.,

ELBERT HERRING.

To J. M. C. MONTGOMERY, Esq.,

Cherokee nation.

WAR DEPARTMENT, *February 6, 1832.*

SIR: I have received your letter of the 2d instant, together with the accompanying memorial from the Senecas and Shawnees, of Lewistown. Agreeably to their request, Colonel McPherson will be employed to aid in their removal.

Very respectfully, &c.,

LEWIS CASS.

Hon. JOSEPH VANCE, *H. R. U. S.*

WAR DEPARTMENT, *February 7, 1832.*

SIR: In answer to your letter of December 20th, I have the honor to observe, that this department can take no measures for the examination and payment of the claim against the Shawnee Indians, referred to in the memorial transmitted by them and enclosed by you. They are private debts, such as are found upon all the frontiers where Indian trade is carried on; for the liquidation of which the late treaty contains no stipulation, and the voluntary assumption of which, by the Government, would establish a principle leading to almost unlimited expenditures.

I am, sir, respectfully,

Your obedient servant,

LEWIS CASS.

To the Hon. JOSEPH H. CRANE, *H. R. U. S.*

I return the enclosed memorandum.

WAR DEPARTMENT,

Office Indian Affairs, February 7, 1832.

BROTHERS: Your memorial to your great father, the President, and the Secretary of War, in relation to debts owing by your nation to George C. Johnston and others, has been received. These debts are a private concern between yourselves and your creditors, with which this department cannot interfere.

With great respect, &c.,

ELBERT HERRING.

To JOHN PERRY AND OTHERS,

Chiefs and Counsellors of the Shawnee nation.

WAR DEPARTMENT,

Office Indian Affairs, February 7, 1832.

SIR: In a letter lately received by the Secretary of War, from General J. Campbell, agent for the western Creeks, he observes:

"I was informed while at Washington, last spring, that there had been one thousand beaver traps, and as many rifles, forwarded to Colonel Crowell, which were intended for these people; and I was in hopes Colonel Crowell would have been ordered to forward them on before this time. The winter or spring is the most favorable time for them to be sent on, as the Arkansas river is generally navigable at those seasons."

If there should be any of those articles under your charge, you will be pleased to forward them to General Campbell; and you will inform this department whether you have or have not forwarded them.

With great respect, &c.,

ELBERT HERRING.

To Col. JOHN CROWELL, *Creek Agent, &c.*

WAR DEPARTMENT,

Office Indian Affairs, February 7, 1832.

SIR: Your letter of the 5th November last, with vouchers enclosed, has been received.

Col. Crowell has been instructed to forward to you one thousand rifles, and as many beaver traps.

The annuity now due the western Creeks shall be sent as soon as possible.

With great respect, &c.,

ELBERT HERRING.

To General J. CAMPBELL,
Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, February 8, 1832.

SIR: The Cherokee Indians have claims for improvements abandoned, under the treaties of 1817 and 1819, upon a regular reported list made to the department by Col. Montgomery, the agent, amounting to \$4,565. With the view of obtaining the means to pay these claims, a report was made to the Secretary of War, on the 13th February, 1829. On the 27th February, 1830, the attention of the department was again called to the subject of these claims; and on the 19th March, of the same year, an appropriation was asked of Congress for their payment.

No appropriation having been made, I beg leave respectfully to renew the subject, as the Cherokee deputation, now at Washington, are urging payment.

The following is an extract from the report referred to, on the subject of these claims:

"Returns have been received of one hundred and forty-two cases, amounting, together, to \$4,565. To pay these, an appropriation by Congress will be required."

Very respectfully, &c.,

ELBERT HERRING.

To his Excellency LEWIS CASS,

Secretary of War.

WAR DEPARTMENT,

Office Indian Affairs, February 9, 1832.

SIR: You will recollect that, in the treaty with the Sacs and Foxes, concluded at this place in 1824, a tract of land, between the rivers Des Moines and Mississippi, was reserved for the half-breeds of those Indians.

In March last, Congress appropriated \$2,000 for surveying and dividing that tract; and in May last, S. S. Hamilton, esq., wrote to you "that you was authorized to draw for funds, appropriated for surveying the lands of the half-breed Sacs and Foxes."

No communication having been received from you on that subject, it is presumed that no steps have been taken by you, under that appropriation. Several communications, from different individuals, have been recently received by the department, urging the survey and division of that land, both as it respects the importance of the measure, and the rights of the parties interested, and it has become necessary to act in the business.

You will be pleased, therefore, sir, to take immediate measures for the survey and division of that tract. The boundary of the tract will be first run, and then the whole will be subdivided by lines corresponding with the surveys in Missouri; running none, however, but the section lines, and establishing half-mile posts. In making the survey, a town plot will be laid off at the junction of the Des Moines and Mississippi rivers. The department recommends the employment of Major A. L. Langham as surveyor; but who ever may be the surveyor, a contract, upon reasonable terms, must be made with him, according to your discretion; the expense of the survey and division not to exceed \$2,000, the sum appropriated by Congress for that purpose; and it is very desirable that there may be enough left to defray the ulterior expense of assigning portions of the land to the different individuals interested. If measures have already been adopted by you to effect this object, you are at liberty to pursue them. You will be pleased, also, to give public notice to all claimants of this land to present their claims either to yourself or some person appointed by you; and the evidence in support of the various claims you will cause to be transmitted to the department for approval before any rights are granted. After these measures shall have been taken, the department will direct the mode of assigning to each person the quantity of land to which he or she may be entitled.

With great respect, &c.,

ELBERT HERRING.

To Gen. WILLIAM CLARK,

Sup't Indian Affairs, &c.

WAR DEPARTMENT,
Office Indian Affairs, February 9, 1832.

SIR: I am instructed to say that should emigration of the Cherokees increase, or should any one, now employed by you, discontinue to act in that business, so as to require additional aid, you will be pleased to select for that purpose Mr. Archibald Turk, of East Tennessee.

He has been highly recommended to the department, as a person well calculated to be useful among the Indians.

With great respect, &c.,

ELBERT HERRING.

To BENJAMIN F. CURREY, Esq.

WAR DEPARTMENT, February 10, 1832.

MY FRIENDS: I have received your letter of the 8th instant; and, in answer, have to observe, that the measure of dividing the Indian annuities among the individuals of the various tribes is one well calculated to prevent the operation of improper influence, as well as fraud and collusion. It secures to each his just rights, while it does not interfere with any general appropriation of the annuity to objects of common concern, because every one may apply his share to the public treasury, if he wishes it; and if he does not, no compulsion should be used, nor should the money be taken from him.

You observe, that we consider the Indian lands as common property; and, therefore, ought so to consider the annuities, which are the consideration paid for them. Not so; we consider the title of the Indian lands common property, because you consider it so; and because, were it otherwise, and each individual allowed to dispose of his share, the improvidence of many of your people would soon lead to their destruction. But the use of your land is appropriated by each to his own benefit. In tilling the ground, or in following the game, every individual has what is necessary to his support, agreeably to your customs. When, therefore, any portion of your country is ceded, the sphere of employment of each is limited, and the property of each, so far as that depends on its use, is conveyed away. It is right, then, that what is paid for this should be distributed among all.

This has long been the practice among many of the tribes; and the President, on full consideration, has directed its extension to all others. He is unwilling now to make any change in the established regulation.

Your friend,

LEWIS CASS.

To the CREEK DELEGATION, in Washington.

WAR DEPARTMENT, February 10, 1832.

SIR: I have had the honor to receive your letter of the 9th instant.

I trust I need scarcely assure you, that every effort, within the power of the Government, which can properly be exerted, has been and will be made to induce the Cherokees to remove from Georgia to the country west of the Mississippi. I consider the measure indispensable to the very existence of

these Indians, and called for by other important considerations; still, in the execution of the difficult task entrusted to the President, he feels it his duty so to perform it as to insure, as far as possible, to this helpless race the means of ultimate subsistence, and the hopes of future improvement. His views on the subject referred to by General Rusk, you will find in the accompanying extract, to which I beg leave to refer you.

I place, myself, great confidence in the superintendent, Mr. Currey. His correspondence evinces judgment, zeal, and industry; and if you will do me the favor to call at the department, I will turn you to some parts of it which will perhaps furnish a better answer than I could otherwise give to a portion of your suggestions.

* * * * *

You will be sensible, I have no doubt, that when a system of operations has been digested and is in progress, a fundamental change should not be made, without full examination. To take this whole matter out of the hands of the persons now employed, and to transfer it to other gentlemen, involves a heavy responsibility. Nor are the facts before me sufficient to justify such a course; and, on the inspection of the papers above referred to, I am inclined to think you will coincide with me in opinion.

Very respectfully,

Your obedient servant,

LEWIS CASS.

To the Hon. DANIEL NEWNAN, *H. R. U. S.*

WAR DEPARTMENT, *February 10, 1832.*

SIR: The suggestion of Gen. Cleveland respecting the expediency of paying the Cherokees the value of their improvements prior to their departure from their present country, is founded, I have no doubt, upon the views he states. It is probably the wish of a large portion of these people. They are improvident by habit, and reckless as to the future. They are swayed by immediate impulse, and liable to be operated upon by all around them.

The value of their improvements, paid by the United States, should be expended in opening land for them, and providing the means of future support in the region assigned to them west of the Mississippi. Such was the object of the Government, and it was obviously a just one. Now, if these Indians, to gratify the feelings of the moment, or the avaricious desire of bad men among them, ask for the money before their departure, ought their request to be granted? Nothing is more certain than that if they receive it, they will expend it upon objects worse than useless, and will reach their final residence, poor, dispirited, and laboring under the effects of vicious indulgence. What will they then do? Suffer the extreme pressure of a life of utter helplessness; and meet it as they may, the President has thought, and wisely, and humanely, too, that this money should not be paid till it will be useful to them. Owing, however, to some misunderstanding, assurances were at one time given, that they should receive it before their departure. These pledges have been necessarily redeemed, but instructions have been given that they shall not be renewed, and that the amount due shall not be paid, hereafter, till the removal has taken place.

I do not advert to the influence which the expectation of these sums may have upon the Indians, who have enrolled themselves for emigration, in in-

ducing them to fulfil their contracts, because I deem this consideration, though not a slight one, far inferior to the former. Still you will at once see, that if all the preparatory arrangements are made, and the amount due to each paid before their departure, we lose all hold upon them. They may spend the money, as assuredly most of them will, and then refuse to go. And what can then be done? Force can scarcely be applied; and although we may have got their land, we shall have neglected one important part of our moral duty, that of taking care that a proper provision is made for their future support.

Mr. Currey, the superintendent, in whom I have great confidence, has been made acquainted with these views, and he has been directed to report the bearing of this question upon the subject of emigration. The President will yield this ground with great reluctance; but still, as he considers the removal of the Cherokees absolutely essential to their future prosperity, should it be found, on full trial, that these immediate payments constitute a preliminary, without which all hopes of their emigration must be abandoned, it is probable that the instructions might be so varied as to allow a portion of the amount to be paid. Where they are, ruin awaits them at any rate, while even the loss of their funds will leave them some chance for exertion and improvement.

What is said respecting these apprehensions that the Government will not comply with their obligations in making these payments in the west, I pay no attention to. The idea is no doubt forced upon them by others for the worst of purposes. Certainly, if they are willing to trust to the Government for a country to live in, for protection, subsistence for a year, and all the important stipulations upon which their very existence depends, they can have no serious fears that there will be any breach of these pecuniary promises.

With much respect, &c.,

LEWIS CASS.

To the Hon. R. H. WILDE, *H. R. U. S.*

WAR DEPARTMENT,

Office Indian Affairs, February 10, 1832.

SIR: Your letter of the 25th ultimo has been received, and, in answering that portion of it relating to Dr. Reese and Mr. Thornton, I will merely repeat the instructions communicated to you in my letter of the 6th instant. The department reposes full confidence in your ability, integrity, and zeal, in discharging your official duties; and you are therefore at entire liberty to dismiss any of your assistants in the business of emigration, whose services you may be pleased to dispense with—reporting such discharge, and the reasons, to the department.

If any improper efforts shall be used to detain emigrating Indians, under the pretence of false alarm, or from any other cause, you will use all legal means to relieve them from such detention.

The section of the intercourse act cited by you, extends to districts where the ordinary laws do not operate. The President, therefore, has not the power to take the measures you suggest to prevent the sale of whiskey to the Indians, although he deprecates the practice, and is anxious for its suppression.

It is apprehended that the Government is not called upon for any opinion respecting the reservation for the Philips family, in Tennessee.

With much respect, &c.,

ELBERT HERRING.

To BENJAMIN F. CURREY, Esq.,
Superintendent of emigration, &c.

WAR DEPARTMENT,

Office Indian Affairs, February 10, 1832.

SIR: Your letter, of 29th October last, to the Secretary of War, has been received, and you will be pleased to accept his thanks for your excellent communication in relation to the tract of land reserved for the half-breed Sacs and Foxes, and for your kindness manifested on their behalf.

General Clark has been directed to take immediate steps for surveying and dividing that tract; to have a town plot laid off at the junction of the Des Moines and Mississippi rivers; to give public notice to all claimants, to present their claims either to himself, or to some person to be appointed by him; and to transmit to this department the evidence in support of the various claims for approval; and to enable the Government to assign to each individual the portion of land to which he or she may be entitled.

With much respect, &c.,

ELBERT HERRING.

To JOHN W. JOHNSON, Esq.

WAR DEPARTMENT,

Office Indian Affairs, February 10, 1832.

SIR: I am instructed by the Secretary of War to acknowledge the receipt of your letter of the 15th ultimo, and to present his thanks for your excellent communication.

General Clark has been instructed to take immediate steps for surveying and dividing the tract of land reserved to the half-breed Sacs and Foxes; to have a town plot laid off at the junction of the Des Moines and Mississippi rivers; to give public notice to all claimants, to present their claims either to himself, or to some person to be appointed by him; and to transmit to this department the evidence in support of the various claims for approval, and to enable the Government to assign to each individual the portion of land to which he or she may be entitled.

With respect to the Catholic school recommended by you, after it shall have been commenced, an application, in the prescribed form, will be favorably received.

With much respect, &c.,

ELBERT HERRING.

To THOMAS FORSYTH, Esq.

WAR DEPARTMENT,

Office Indian Affairs, February 11, 1832.

SIR: In compliance with your order to report on the claim of Benjamin Murphey, for property taken and destroyed by the Cherokees, which claim

was presented by the honorable A. H. Sevier, I have the honor to state that, by the treaty of May, 1828, with the Cherokees, the United States ceded to them certain lands, and agreed to have the lines of the cession run, without delay, not later than the 1st October, then next; and to remove immediately, after running the said lines, all white persons from the west to the east of a certain line, and to keep them from the west of said line in future. The depredation complained of was committed about the middle of December, 1828, on the west of said line, and within the ceded territory.

Under this statement of the case the claim cannot be adjusted by this department.

I have the honor, &c.,
ELBERT HERRING.

To his Excellency LEWIS CASS,
Secretary of War.

WAR DEPARTMENT, *February 11, 1832.*

GENTLEMEN: I have received copies of the communications between yourselves and the Choctaw and Chickasaw Indians, respecting the proposed arrangement for a cession to the latter of a portion of the lands assigned to the former west of the Mississippi. The suggestions made by you appear to be just, and your duties to have been faithfully executed. I have to request that you will omit no opportunity of accomplishing the object, agreeably to the view contained in my letter of the 12th ultimo.

Very respectfully, &c.,
LEWIS CASS.

To Gen. JOHN H. EATON and
Gen. JOHN COFFEE.

WAR DEPARTMENT, *February 11, 1832.*

SIR: I have received your letter of the 28th ultimo, and thank you for the suggestions you have made, as I shall for all others which may occur to you concerning the removal of the Cherokee Indians. The whole matter is one deeply interesting at the present time, and involving important consequences to the Indians. The Government is well satisfied that nothing but speedy and entire removal can preserve them from utter extinction.

Not having time to go over the matter again, I enclose an extract of a letter written to a member of the Georgia delegation, which will give you the views of the President in relation to the question submitted by you.

I am, sir, &c.,
LEWIS CASS.

To THOMAS J. RUSK, Esq.,
Clarksville, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, February 11, 1832.

SIR: Your letter of 15th January last, desiring the interposition of the department to annul a sale of land, said to have been made by your father,

has been received. The half section of land granted to your father by the treaty of St. Mary's was to be held by him and his heirs, and never to be conveyed or transferred without the approbation of the President.

That approbation will not be given unless the heirs are of age, and all join in the request.

With great respect, &c.,

ELBERT HERRING.

To Mr. L. J. CASSMAN.

WAR DEPARTMENT, *February 14, 1832.*

SIR: In answer to your letter of the 8th instant, I have the honor to inform you that the claims of West, for the value of his improvements, is good; and that Mr. Montgomery, the agent, has been authorized to draw for funds to pay the amount.

I return the letter and order enclosed in yours.

Very respectfully, &c.,

LEWIS CASS.

To the Honorable JAMES M. WAYNE,
House Reps. United States.

WAR DEPARTMENT,
Office Indian Affairs, February 15, 1832.

SIR: A requisition is this day issued in your favor for \$341 61, which will be remitted from the Treasury to enable you to pay off the balance due on claims for improvements abandoned by Cherokee emigrants, under the treaty of 6th May, 1828.

The papers transmitted in your letter of the 9th December, relative to Squire Blevins' claim, are herewith returned.

The instructions heretofore issued, or other regulations, by which you have been governed in the payments made on certificates, must govern in this case. As a matter of precaution, however, I would suggest, that before payment is made, either to Mead or Campbell, inquiry should be made of Blevins, if still in the nation; and, if he has gone over, through Capt. Vashon, the agent west, from whom he received value: and to such person, I conceive, the money ought to be paid on the surrender of the certificate of the assessors.

Very respectfully, &c.,

ELBERT HERRING.

To Colonel HUGH MONTGOMERY,
Cherokee Agent, &c.

WAR DEPARTMENT, *February 16, 1832.*

SIR: I have received your letter of the 1st instant, in relation to the place where the contemplated treaty with the Indians, in Indiana, is to be held; and, in answer to your inquiry, have to observe, that when the appro-

apriation is made, commissioners will be appointed, to whom it is intended to leave the designation of the place for holding the treaty.

I am, sir, &c., &c.,

LEWIS CASS.

To General ROBERT HANNA,
Indianapolis, Indiana.

WAR DEPARTMENT, *February 16, 1832.*

SIR: In submitting to you the accompanying memorial from the Creek Indians, west of the Mississippi, I beg leave to draw your attention to the various circumstances connected with the general removal of the Indians, and with their permanent establishment in the region assigned to them.

That a plan of emigration offers to this race the only hope of ultimate security and improvement, is a truth which the experience of every day renders more and more obvious. As this great work is now in progress, it is necessary the Government should examine what has been done, and determine what they have yet to do, that the difficulties which have already arisen, and are likely to arise, may, as far as possible, be obviated.

Agreeably to the best estimate that can be made, at this department, the following is the number of Indians who have already migrated to that region:

Creeks	-	-	2,500	Kaskaskias	}	-	-	400
Choctaws	-	-	6,000	Piankeshaws		-	-	
Cherokees	-	-	3,500	Peorias		-	-	
Delawares	-	-	3,000	Weas	-	-	-	350
Shawnees	-	-	1,500	Senecas	-	-	-	340
Kickapoos	-	-	1,800					

Making an aggregate of nineteen thousand three hundred and ninety.

In conformity with existing treaty stipulations, about twelve thousand Choctaws will probably be added to this number, within the present year, though possibly the departure of some may be delayed until the next; and, should the arrangement provisionally made with the Chickasaws, become absolute, and be ratified by the Government, together with the treaties recently concluded in Ohio, the number of emigrants during this season may be estimated as follows:

Choctaws	-	-	-	-	-	-	12,000
Chickasaws	-	-	-	-	-	-	3,500
Shawnees	-	-	-	-	-	-	350
Shawnees and Senecas	-	-	-	-	-	-	320
Ottaways	-	-	-	-	-	-	400
							<u>16,570</u>

There would then remain, east of the Mississippi, and south of the Territory of Michigan, the following tribes and portion of tribes, who will, probably, ere long, feel the necessity of joining their countrymen in the same region.

Creeks	-	-	-	-	-	-	20,000
Cherokees	-	-	-	-	-	-	11,000
Florida Indians	-	-	-	-	-	-	4,000
Miamies	-	-	-	-	-	-	1,000
Wyandots	-	-	-	-	-	-	450
							36,450

The Indians upon the peninsula of Michigan, and between Lake Michigan and the Mississippi, together with their kindred bands in the northern parts of Indiana and Illinois will probably seek a final residence in the country considerably west of that river, and far enough north of the State of Missouri, to be beyond the reach of our frontier settlements.

It will thus be seen, that the country south of the Missouri river, and west of the State of Missouri, and the Territory of Arkansas, which has been purchased by the United States, from the original occupants, for the purpose of division among the emigrated Indians, and with a view to their final establishment, will contain, when this measure is accomplished, a population of seventy thousand four hundred and ten persons.

It is impossible, in the present imperfect state of our knowledge of the topography of that country, to ascertain, with much precision, the quantity of land heretofore ceded to the United States, the quantity already granted to the transplanted bands, or that which still remains for future assignment. The aggregate amount may, however, be estimated from the best materials in the possession of the department, at one hundred millions of acres. Of these, there have already been granted, in round numbers, to the

* Creeks	-	4,000,000	Kansas	-	6,300,000
Choctaws	-	21,000,000	Shawnees	-	1,500,000
Cherokees	-	7,000,000	Delawares	-	2,000,000
Osages	-	8,000,000	Piankeshaws	-	300,000

Making an aggregate of about fifty millions already allotted, and leaving nearly fifty millions unappropriated.

The whole district, excluding the Osages and Kansas, who are of the original trans-Mississippi stock, and subtracting the quantity retained by them, would allow fourteen hundred acres for each individual, an extent of possession utterly useless to them, and wholly disproportioned to their numbers. It is to be remarked, however, that a large portion of this region consists of prairie country, entirely destitute of timber, and valuable only as the place of support and refuge for the immense herds of buffaloes and other animals, who periodically inhabit it. Still the margins of all the water courses are covered with timber, and the bottom lands are said to be equal in fertility to any in the Union. Mr. McCoy, a clergyman of great probity, judgment, and discretion, who has been some time employed in the examination and survey of this country, with a view to its partition among the tribes as they arrive, has recently reported that there is more land already assigned to the Cherokees than will be sufficient for all the tribe on both sides of the Mississippi; and that, if the Creeks get no land on the south side of Arkansas river, their country will nevertheless be sufficiently large and good for all the tribe, including the Seminoles.

* This is a vague estimate, and includes only the country north and west of the Cherokee lands, which is not disputed. The Creek claim is larger.

But the Indians are so ignorant of the quantity of land which is necessary for them, that it is very difficult to persuade them to reduce their extravagant demands to a rational standard. Unless a country is defined by natural boundaries known to them, they cannot easily form an estimate of its extent. It would, therefore, be prudent, whenever they ask more than ought to be granted, to permit some of their most intelligent men to examine the country, and satisfy themselves that the tract offered is as large as they could desire, and always, in fact, larger than their present, or probable future, necessities can require. These pretensions have already embarrassed the operations of the Government, and delayed the removal of the Indians.

The Choctaws and Chickasaws are kindred tribes, connected by blood and language, and it is very desirable that a union should take place, and and that they should inhabit the same country. The former, as has been shown, have been allowed 21,000,000 of acres, giving more than 1,200 acres to each individual. And yet the Government have not been able to induce them to admit this kindred band into their country. This difficulty retards the ratification and execution of the Chickasaw treaty.

The business of emigration commenced before we had much knowledge of the country, and the tribes first arriving were placed in the State of Missouri, and in the Territory of Arkansas, whence, with the exception of the Kickapoos, they were transferred, from time to time, to their present location, as satisfactory arrangements could be made for that purpose. This tribe hold about 2,800,000 acres in that State and Territory, and should also be removed as speedily as possible.

The country between the Red river and the Arkansas has been assigned to the Choctaws, and is sufficiently defined by natural boundaries to preclude dispute. Between the Arkansas and the Canadian rivers, including about 800,000 acres, north of the former river, is the district intended for the Cherokees; and north also of that river, and extending to the Osage reservation, is that intended for the Creeks. But between these tribes there is yet a question of boundary to adjust; and it is important to both, that the adjustment should speedily be made.

By the treaty of 1826 with the Creeks, the previous stipulations of the treaty of 1825 were annulled, and a deputation of five persons was authorized to be sent by them to examine the country west of the Mississippi, not within either of the States or Territories, nor possessed by the Choctaws or Cherokees. And it was also provided, that the United States should purchase for them, if it could be conveniently done upon reasonable terms, whenever they select a country whose extent should, in the opinion of the President, be proportioned to their numbers; and, if such purchase could not be thus effected, the selection was to be made where the President might think proper, reference being had to the wishes of the emigrating party.

This arrangement yet remains open; and although many of the Creeks have removed, still their definite boundaries have not been established. They are principally settled upon the south side of the Arkansas, and within the district assigned to the Cherokees, by the treaty of 1828. This last treaty appears to have been concluded when we had not a correct knowledge of the location of the Creek Indians, nor of the features of the country, and actually includes many of their settlements within its limits. In the ratification by the Senate, however, it is provided, that "nothing in the said convention shall be construed to cede or assign to the Cherokees any lands heretofore ceded or assigned to any tribe or tribes of Indians, by any

treaty now existing and in force with any such tribe or tribes." In this situation the question now remains; and it is one of the subjects for whose adjustment I shall submit a proposition in this report.

In the district north of this region, where the tribes from the country between the Ohio and the lakes and east of the Mississippi are directing their course, much detailed information is required to enable the department to adopt those previous measures which will alone give satisfaction to the Indians, and preserve the public faith. Places of residence sufficiently extensive, and marked by definite boundaries, should be assigned to each of these tribes. Unless this is done, great confusion and dissatisfaction will be the consequence.

I cannot, from the information within my reach, state distinctly, the location of some of the smaller tribes who have crossed the Mississippi, nor the proper district to be appropriated for the northwestern Indians who are yet to migrate. These subjects require further investigation, and will form a part of the duties to be assigned to the commissioners, whose appointment I shall submit to you, should the measure be sanctioned by Congress.

The time seems to have arrived when some definite plan should be matured and adopted, for the encouragement, security, and government of the Indians, in the position which has been assigned to them, and for the protection of our frontier in their immediate vicinity. It can neither be doubted nor concealed, that the experiment, which is in progress, of transplanting from the districts they now occupy, to the region adjoining the western States and Territories, the remnants of our aboriginal tribes, brings with it a serious responsibility. Circumstances beyond the control of the Government, or the nation, which may be traced to the earliest periods of the intercourse between the Europeans and the Indians of this continent, and which are yet in active operation, have reduced this once powerful race to a condition which seems to leave no alternative between extinction and immediate removal. They are themselves becoming gradually aware of the evils of their present position, and of their consequences; and as the conviction is, from time to time, felt, and they are voluntarily disposed to accept the offers made to them, they will be successively transferred to the country selected for their ultimate residence. This change of sentiment is evident, from the arrangements made within the last two years; during which period, absolute or conditional treaties have been concluded with the Choctaws, Chickasaws, Shawnees, Senecas, Ottaways, and Wyandots.

As the efforts of our Government to form a treaty with the ruling party of the Cherokees of Georgia, for the removal of the whole tribe, have been fruitless, from causes sufficiently obvious, it has been deemed expedient, under the stipulations of the treaty of 1828, to endeavor to make arrangements for this object, with such of them, individually, as may be desirous of emigrating. By the latest returns which have been received, about 650 had enrolled themselves, and were nearly prepared for the journey. Two causes have operated to prevent all the success which was anticipated from this measure.

The Indians are easily swayed by others, and, like children, if immediate possession of a favorite object is not attained, it loses much of its value in their estimation. Among other stipulations of the treaty of 1828, it was provided, that the amount of their improvements should be paid to them; and the object, doubtless, was, that a fund might be furnished to enable them to improve their land and provide for their future support, under the pecu-

liar circumstances in which they were about to be placed. You directed, and wisely and humanely, too, that this money should not be paid to them until they reached their destined residence; under the impression, founded upon a perfect knowledge of the Indian character, that if received previously to their departure, it would be expended long before the termination of their journey, and upon objects equally injurious to their health and morals. But they neither appreciating the motive, nor fearing the evil, have insisted upon this previous payment; influenced, no doubt, as well by the suggestions of bad men among them, who are desirous of procuring the money, as by their own propensities. This point will be yielded with great reluctance, and only when the result shall demonstrate that the choice lies between remaining with its certain evils, and removing, with its probable advantages.

But, besides this, the interference of the party which holds the ascendancy, has, agreeably to the report of the officer charged with the superintendence of the business of emigration, been exerted to prevent the success of the measure.

That they should resort to agreement and persuasion to retain their people, was, perhaps, to be expected; though it is difficult to conceive why they should not cheerfully grant them the same right to go, which they themselves claim to stay. But the matter has assumed a far more serious aspect than this. The superintendent reports that the influential chiefs had endeavored to destroy all confidence in the assurances of the Government, and that most of the persons desirous of removing are of the poorer class, who are in debt to the former, and who are intimidated by the terrors of the law from following their real inclination. He states that one, at least, has been beat for enrolling, and that threats of personal violence have been used. And under date of January 6, 1832, he says, "since my last communication to the department, about sixty or seventy full blooded Cherokees have enrolled. A circumstance which has produced considerable consternation among the nominal counsellors. Runners have since been despatched, riding night and day, to persuade; and where the promise of reward fails, indirect threats of punishment have been employed, to arrest a disposition more favorable to emigration with the common people than has been manifested at any former period. I am apprehensive, however, that by the devices of those chiefs, the great body will determine to delay their enrolment, until the result of the effort before the present Congress is known here; and then it will be too late for them to reach their intended new homes, in time to make crops for the next season."

"Hints have reached my ears from sources entitled to credit, that the delegation will propose a treaty, in the event of a failure to regain their ancient privileges here. There are many individuals who, on account of their indifference on the subject of emigration, have incurred the displeasure of the ruling party, which is composed of connexions by consanguinity. These obnoxious men, as well as some who are still more so, on account of their friendly feelings to the policy of Indian removals, desire, in case a treaty should be made, that the Cherokee delegation from Arkansas should be present, and have a voice therein. This would have a tendency to their future union, national peace, and paternal friendship."

He adds, "attempts have been made to burn the buildings on Sheppard's farm, and his kitchen was actually consumed.* One of the head-men has

* The name of the head-man is given by the superintendent in his report.

been using his influence to get other emigrants to burn up their improvements, offering to pay them the valuation by the assessors out of his own purse." He inquires also whether he can be authorized to interfere, and rescue, for the emigrants, property unjustly withheld from them by Cherokees in other States, (where their laws are in force,) where the Cherokee court, on account of manifest prejudice towards the emigrating class, have delayed the administration of justice. All this indicates a state of things little favorable to the toleration of the ruling Cherokees, who, not satisfied with remaining, are endeavoring to deter their countrymen from following the course pointed out by their own inclination, as well as by every dictate of prudence.

The statistical facts already presented, show that the region assigned for the residence of the Indians, is amply sufficient, whether they are to become an agricultural, or are to remain a hunting people. An equal division of the whole country would give, as before explained, 1,400 acres to each man, woman, and child, of the various tribes, for whose residence it is destined; and they would possess a region well adapted, in many places, to the purposes of agriculture, and, in others, to the pursuit of those animals, which Providence seems to have supplied, in countless numbers, for the subsistence and clothing of the Indians, and for the houses which shelter them. A country stretching, in fact, to the base of the Rocky mountains, and with only, here and there, a few wandering bands to roam over it.

The territory appropriated for emigrating Indians, extending over six and a half degrees of latitude, and seven degrees of longitude, offers a sufficient variety of climate for a proper adaptation to the previous habits of the emigrants. And a comparison of the productions and condition of the eastern and western Creeks will show the superior advantages which are held out for removal, if inveterate prejudices among some of the tribes, and if the hopes or the possession of personal aggrandizement among the chiefs can be made to yield to the only means of preservation, in our power to tender, or in theirs to accept. There is now in this city a deputation of Creek chiefs from Alabama, influential men, who are accompanied by a friend, (Colonel Brodnax,) perfectly acquainted with the circumstances of the tribe. He stated to me, in the presence of these chiefs, that a large portion of their people had been, during the past season, in a state of the utmost wretchedness, totally destitute of provisions, and actually living, or rather starving, upon roots and bark. Such, too, he said, would be their condition after their corn was exhausted, probably in the month of April, and until the new crop shall be ready for consumption.

Still worse is the situation of the Florida Indians. The following memorial, addressed by them to the agent, depicts their misery in strong terms:

“SEMINOLE AGENCY, *October 20, 1831.*

“We, the undersigned chiefs and head-men of the Seminole Indians, assembled in council, request the agent to represent to the Government, that the long and severe drought in the spring and summer entirely destroyed our crops of corn, leaving us nothing but the prospect of starvation and suffering during the ensuing winter.

“Knowing the favorable sentiments of the Government towards us, we feel it our duty to ask your best exertions to make known our situation to the President; and, if possible, obtain for us a sufficient supply of corn until the next crop.”

The agent certifies to the truth of this representation, and estimates the quantity necessary for their relief at 8,000 bushels. Similar applications have already been made and granted for this tribe; and upwards of 120,000 dollars have been expended by the Government, within a few years, for their subsistence. And they will sink into utter imbecility if they remain much longer where they now are, and if this system of occasional gratuities be continued.

And I have no doubt, from information I have received, that the condition of the numerous class of the Georgia Cherokees, during a portion of the year, is very wretched, and that they also are frequently destitute of the means of subsistence. Indolence and improvidence are the characteristics of the Indian race; and few are exempt from their operation and effects, where these are aided by the general use of ardent spirits. Unless I am deceived, the comfort and improvement of these Cherokees are confined within much narrower limits than their influential men have assigned for them.

It will be seen from the following report from Mr. McCoy, that the happiest consequences have already resulted from the emigration of both Creeks and Cherokees. Their withdrawal from the temptation and influence of ardent spirits, the stability of their prospects, and the consequent stimulus given to their exertions, have changed their condition; and if continued, will soon change their character. The testimony of a witness, so well qualified to judge, and so unimpeachable in his motives and conduct, must be consolatory to all who look to this experiment as a final one; and must encourage the hope that similar effects will, in time, attend the removal of those Indians who have yet to commence the work of improvement. Mr. McCoy, in a letter of October 22, 1831, says, "the appearance of things among the Cherokees and Creeks of this country is similar to that in new and poor white settlements on our frontiers, generally. The Indians, perhaps, have more corn growing, more cattle, fewer wagons, and less furniture in their houses, than the whites alluded to, in proportion to numbers. They make houses and fences like the whites, keep sheep and hogs, and have spinning wheels, &c. My report, in all respects, will be favorable to the plan of emigration, and to giving to all the Indians a Territorial Government."

In confirmation of this statement, it may be added, that the Commissary General has been informed they were ready the last autumn to furnish his agents with fifty thousand bushels of corn for the supply of the emigrating Indians.

With these facts in view, and surveying the history and prospects of the Indians, it is hazarding little to predict, that the time is near when they will, themselves be satisfied, and when the whole community will be satisfied, that the process of removal must go on till the great object of permanent establishment is accomplished. The difficulties must yield to a provident system, and to just arrangements; and the doubts of zealous and philanthropic men, sincerely desirous of promoting the welfare of the Indians, but misapprehending the best means of effecting it, will, it is to be hoped, give way before a more thorough investigation of the subject.

There appears to me to be three objects, the accomplishment of which is essential to the prosperity of the Indians, and to the faithful discharge of these obligations which circumstances have imposed upon the Government.

I take it for granted, it is intended this removal shall be a final one; that the Indians shall now be placed beyond the chance of future change of re-

sistence, so that thenceforward they may feel no uncertainty on the subject. This is the object of the guarantee the President is authorized, by the act of May 28, 1830, to give; and must be the foundation of the hopes and exertions of the Indians.

1. In the first place, ample provision should be made for their removal, their temporary subsistence, and their eventual improvement.

2. In the second place, the principles of the intercourse between them and the citizens of the United States, should be clearly defined, and a system of general superintendence established.

3. And, in the third place, every necessary arrangement should be made to prevent hostilities between any of the tribes, whether emigrant or indigenous, and for the protection of our frontier.

1. With respect to their removal and temporary subsistence, no further legislation is at present required. The principle of emigration having been sanctioned by Congress, and the necessary appropriations being, from time to time, made, the mode of effecting the objects is matter of Executive regulation; and as experience is required, the system itself, and the plan of administration, will be gradually improved. Whether the term of one year, now prescribed as the period to which the issue of provisions to the Indians, after their arrival at their new homes, shall be limited, is sufficient, under the circumstances in which they will be placed, can only be determined by experience.

It is probable that some distinction may be found proper, and that to a portion, favorably situated, this may be enough; while to others, who have made less advance in improvements, or who may have been less fortunate in their selections, partial assistance for a longer term may be found necessary. But time will enable the Government to form a correct opinion upon this point, and to fix a just medium between the danger of rendering the Indians dependent on these supplies, and the privations and difficulties to which they must be exposed.

The question of improvement presents a subject more doubtful in itself, and involving more important considerations. It is susceptible of two views: one affecting the moral, social, and political condition of the Indians; and the other their physical condition.

In the earlier periods of Indian history, the efforts upon this subject were directed principally to the former; with what little effect, it is not necessary to inquire; but the error of the plan is obvious, and the issue is before us.

To collect savage men together, who are ignorant of the very first rudiments of civilization; who have, in fact, neither government, law, religion, property, arts, nor manufactures; who are actuated by impulse and not by reflection; by whom the future and the past are almost equally disregarded; and to teach them abstract principles, is a process which seems, on calm reflection, to promise as little as it has performed. Improvements in the system have been recently made, and the operations are now conducted upon more rational principles, and with a better prospect of partial success. There can be little doubt however, but that the first effort towards any profitable change in the situation of the Indians should be directed to the improvement of their physical condition. Without this essential prerequisite, the expectations of the country, and the exertions of the Government will be equally vain.

A new scene and new prospects are opening upon the Indians, and the most lasting effects will probably attend the first measures that may be

adopted. At present, the law merely provides for their transportation and temporary subsistence; leaving either to accident or future legislation all the details connected with their permanent establishment and mode of life. Shall their land be divided and held in severalty? Shall they be induced to cultivate it, and aided in its cultivation? Shall efforts be made to persuade them to abandon the chase, and to depend upon tillage for subsistence? And if so, what shall be the details of a plan for effecting these objects?

These inquiries are important; but unfortunately the facts in the possession of the Government are not sufficient to justify a decision upon the various topics involved in them. Certain it is, that there is a predisposition among all uncivilized men for the hunter state. Its alternations are exciting, and there is a strong probability that many of our emigrants will relapse into it, unless this tendency is counteracted by other inducements. If these are to be applied, I am satisfied they must be applied not only prudently but vigorously. It is certain, if these Indians were established in a fertile country, with a small portion of cultivable land assigned to each family, and a few domestic animals, and implements of agriculture, that they might, with reasonable industry, live more comfortably than they have heretofore done, and as much so as their best friends might desire. There is a portion of some of the southern tribes, who appreciate the importance of this mode of life, and will pursue it; but the great body of the aboriginal race, victims to their indolence and improvidence, are not immediately prepared for these exertions, nor capable of estimating their value. Shall the Government decide for them, and adopt such measures as will necessarily lead to an agricultural life? This can scarcely be effected without some species of compulsion, nor without a total interdiction of the use of fire-arms; and although such measures might, and I think would, ultimately be beneficial, still the process would be novel, and to many unpleasant. All experience has shown the difficulty of changing the manners of nomadic tribes; and the result in this country but confirms the previous lesson.

Most of the tribes who have removed, or who will remove, receive annuities from the United States. These annuities are the consideration of the country ceded by them, and are generally payable in specie, and many of them are permanent in their duration. They are divided among the different individuals, who are annually collected, at considerable expense to the United States, to receive them.

I consider the system of permanent annuities radically erroneous, entailing an unnecessary burthen upon the Government, and productive of absolute injury to many of the Indians. There are but two modes in which they can be paid: one is to the chiefs, and the other by an equal partition; the latter has generally prevailed in the northwest, and is probably liable to the fewest exceptions. At all events it is more just in itself, and more satisfactory to the Indians. The money is, at any rate, received by those to whom it is due, though unfortunately it is too often misapplied. If paid to the chiefs, great fraud would, in many cases, be the consequence, and vindictive feelings would be engendered, leading to scenes of violence but too familiar to all who have gathered their knowledge of Indian manners from an actual observation of Indian society. It is very probable that many of the tribes would commute these annual payments for an immediate gross sum; but they ought not to be allowed to do this. The amount paid would be immediately expended, and too often upon improper objects; and, being large, would do incalculable injury.

But if they could be induced to consent to an arrangement by which a just commutation could be effected, and the proceeds applied to the improvement and cultivation of lands, and to objects connected with a stationary agricultural life, an important and favorable change in their condition might be anticipated.

I shall, in the sequel, submit for your consideration a proposition for the collection of all the information upon the preceding subjects, which may be necessary for the action of Congress or of the Executive.

2. Some general plan of government and intercourse is indispensable for the security of the Indians and of our citizens. The intercourse act of 1802 is entirely inapplicable to the circumstances in which the Indians, west of the Mississippi, are and will be placed. A new state of things has arisen, and with it must come a new system of intercommunication.

We are about to place the Indians together upon our frontiers, to guaranty to them permanent possession of their lands, to relinquish all attempts to procure future cessions, or to press our settlements upon them. The national faith is solemnly pledged to do this, and it will be done.

One leading motive for the great experiment in progress, is the desire of removing the Indians from the immediate contact of our settlements; to this much of their misery may be attributed; ardent spirits have been their bane, since the discovery of the continent. No one, who is unacquainted with them, can form any adequate conception of their utter abandonment to the vice of intoxication. Men, women, and children—all, and at all times—are its slaves and its victims. Property, health, life—every thing—is sacrificed to it. Nor is the habit, or rather the passion, a temporary or a periodical one. It is in constant operation, and its gratification is limited only by the means of indulgence. There are, no doubt, exceptions to this general view, and more in some tribes than in others; but they are too few to bear upon any comprehensive estimate of the effects of ardent spirits upon the condition of that portion of the Indians within or near our settlements; and when we reflect that among most of the tribes there is neither law, public opinion, religion, morality, the desire of acquisition, nor the fear of suffering, which can interpose any restraint upon the indulgence of this vice, it may be the less difficult to appreciate, in some measure, its operation. Unless, therefore, this destructive article can be kept from their country, we may remove, but we shall never renovate them. Their whole history teaches this important lesson; and the inquiry naturally arises, how is this exclusion to be effected? Certainly not by the exercise of the usual jurisdiction of courts of law. The institution of suits, the collection and examination of Indian testimony, and the uncertainty of the trials, would form but a feeble barrier against an evil of this magnitude, whose progress so many are interested to promote. Very summary authority must be given to the Government, which may be instituted over the emigrant tribes, to prevent and punish all attempts of this nature, within the country assigned to its jurisdiction. Too many of our own people are disposed to sell, and almost all the Indians to buy, this article of traffic: and the necessary restraints must be rigidly executed, to prevent an interchange so desirable to both.

In the establishment of any general system of superintendence, or government, over these Indians, there are two leading objects to be kept in view.

First. The regulation of the intercourse between them and our citizens:

And second. Such a control as may be necessary to the preservation of good order among them.

An interdict upon all communication between our citizens and the Indians, except so far as may be necessary for the comfort and improvement of the latter, is an essential part of any plan for their permanent establishment. The question is one which merits consideration, solely as it affects them. The pecuniary value to the country of any interchange of articles with them, is entitled to no weight in a just view of this matter. Unfortunately the traffic, already subsisting, while it has introduced some useful articles of manufacture, has introduced also our vices, and the desire and means of indulging them. Happy would it be for the Indians, if, by abandoning the former, they could be relieved from the latter.

In the organization of a system of general superintendence over the Indians, their peculiar condition must be kept in view. We must judge for them, and act for them. And the interference of the Government must be regulated, not by speculative notions, but by practical views. Their situation is anomalous, and so must be the principles of our interference. They are in the rudest state of barbarism, with habits and institutions which disqualify them for the peaceful pursuits of life, without knowledge to comprehend their duties, or moral or religious principles by which these can be regulated. A general control over them is not less essential to their safety and ours, than it is to any rational hope of meliorating their condition. Some of the tribes have made greater advances than others towards improvement, and are probably better qualified to participate in the administration of their own government. But I am satisfied, that among the most favored, there are few who approach even the lowest standard of Indian improvement, that is offered or promised to the community.

In exercising supervisory authority over those people, the plan must be efficient and simple. But few persons should be concerned in its execution. A central power, with enlarged discretion, and committed to a few men of high character and acknowledged probity, and supported by a competent military force, appears to me to present, at the commencement of the undertaking, the best prospects of success. Very few subordinate agents will be required, for all movements must be prompt, and the Indians will soon learn the necessity of submission and the value of the security which this brings with it. And it is certain that nothing but the display of a respectable force, and the vigorous execution of the system that may be adopted, will effect this object. Survey the subject as we may, to this conclusion we shall be led by the whole tenor of Indian history.

Such an arrangement will enable the Government to dispense with the services of a numerous class of officers who are now employed as agents, sub-agents, and interpreters, in consequence of the dispersed condition of the Indians, in managing the necessary intercourse with them. This measure will lead to the reduction of a heavy expense, not only by the abolition of the salaries of these officers, but also by a corresponding reduction in the amount of the various objects of intercourse, both fixed and contingent, and will eventually render unnecessary most of the appropriations which are now made for the Indian department, with the exception of the treaty stipulations, provided for the benefit of the Indians. In fact, after the present year, this diminution may be made in some of those sections of the country whence the Indians are emigrating.

Whatever general system may be adopted for the government of the Indians, it is advisable that they should participate in its administration, as far as they may be qualified for such a task. The extent of this participation

can only be determined by actual observation, and will be greater among some of the tribes than others, in proportion to their improvement in knowledge. But something may be allowed to each, and we may indulge the hope, that eventually all will be prepared for the work of self-government.

The objects of general superintendence, so far as respects the internal concerns of each tribe, would be confined, in a great measure, to the prevention and punishment of injuries. There is so little private property among the Indians, and the little of what there is, depends so much upon actual possession, that disputes upon that subject are almost unknown. As to trade and credit, and collection of debts, and the immense variety of questions to which these give rise, if not entirely unknown in general Indian polity, they are not, among most of the tribes, matters admitting regulation.

3. The prevention of hostilities among the Indians themselves, and between them and our frontier settlers, is a subject not inferior in importance to their civilization or government.

We are about to bring into contact with one another, tribes, who have heretofore been separated by distant intervals, and many of whom are hereditary enemies. Every proper precaution, therefore, should be taken to prevent any ill effects from their contiguity of situation, and predisposition to war.

In looking back upon their history, it must be obvious that there is some strong exciting cause, which impels this race to hostilities. Wars, without definite object and without probable termination, have been the inheritance which many of these tribes have received from their forefathers. And if a temporary cessation, which is in fact but an armed truce, take place, the slightest offence, or the merest caprice, will renew the contest, and frequently extend it to neighboring tribes. He who seeks in the advance of the white man and the recession of Indian, the sole cause of the wars which have occurred between these races, must be ignorant of aboriginal institutions. The matter lies far deeper than this. It is a part of their system, to which their education and hopes all tend. Peace is an irksome, if not an unnatural state, to them. There are but two serious occupations, to which the men can honorably devote themselves. These are war and hunting. A successful warrior is the object of general respect. From early life the youth are taught to consider military distinction as the great prize, in the pursuit of which life is to be spent and death encountered.

Although these feelings have been much softened, and particularly among the nearer tribes, by their intercourse with us, still, firmness and prudence will be necessary to repress the first attempts which may be made to interrupt the general harmony. With respect to the roving bands who inhabit that region, a display of force, and the occasional use of it, will probably, for a time, be found indispensable. Already subjects of difficulty have arisen, which, however, will admit, I believe, of satisfactory adjustment, but whose occurrence should warn us of the preparation that is required.

In order to maintain that state of peace which is essential to the objects of the Government, and to the improvement of the Indians, there are four principal measures which should be authorized, and used as circumstances may require.

1. To pay to any injured tribe, out of the annuities due to the aggressors, the amount of the injury sustained by them.

The principle of this suggestion will be found in the intercourse act of 1802. It is there applied to our own citizens; and as protection is now

guarantied, by the United States, to all the emigrants, it should be extended so as to meet any losses which they may incur from these depredations.

2. Hostages should be taken for the good conduct of a tribe evidently disposed to commit hostilities, or having committed them, indisposed to make the necessary arrangements, either with respect to satisfaction or security.

This practice is one familiar to the Indians, and calculated to be very useful in checking their turbulent disposition. The friends and relations of the hostages, at once form a strong party, determined to surrender the offenders, where such a measure is required; or to inculcate submission, where that is sufficient. And whenever this measure is promptly resorted to, and accompanied with an evident determination to attain the object, it will probably be successful.

3. Traders should be prohibited from trading with, or supplying any tribe, whose designs there is just cause to suspect; and all white men should be recalled from their country.

When the Indians are all congregated together, west of the western limits of our settlements, this step will not be as efficacious as, in many instances, it would now be; because one tribe will probably supply, to a certain extent, the wants of another. At present there are a number of tribes dependent for their means of subsistence upon articles which they procure from the whites, and who would feel, most sensibly, their loss; and, in fact, who could scarcely exist without them. If these supplies were cut off, the refractory bands would at once yield and do justice, or suffer it to be done. And, although impediments will be thrown in the way of this procedure, still it will be useful, and will be seriously felt in its operation.

4. But, after all, the only certain way to prevent Indian hostilities, is to be prepared to punish those who undertake them. All other appeals will at times be found fruitless. The display of actual force is necessary; and it is to be hoped, that provision will be made, at the present session of Congress, for mounting a portion of the army to be employed in this service. That description of troops is admirably calculated, by the celerity of its movements, and the nature of its operations in a prairie country, to strike terror in the Indians; and their dread of it is well known.

There is little doubt that if provision for this object be made, by stationing these troops at the proper positions, and acting promptly and vigorously whenever peace is interrupted, in a short time all these people will learn it is no less their interest than it is the desire of the United States, that they should live quietly together.

In fact, this course is imposed upon the Government by their own voluntary obligations. In the act of May 28, 1830, which may be considered the ground-work of the emigrating policy, the President is required to protect these tribes in their new residences against all interruption or disturbance from any other tribe or nation of Indians, &c. There is little difficulty in the faithful redemption of this pledge; and if the proper description of force be placed at the disposal of the Executive, and a general authority given to take the measures already suggested, and others if necessary, the police of that region may be preserved as certainly as that of our own settlements.

And independently of the obligation growing out of this state of things, the Government is required, by moral duty, to interpose its power and au-

thority to terminate, at once and for ever, these ruinous contests. Enough has already been sacrificed, by the Indians, to their own uncontrolled passions and barbarous institutions. They have a full share of wretchedness in the life around them, without adding to this the calamities of wars, causeless in their origin, useless in their objects, and terrible in their visitations.

But in the prosecution of the plan for the voluntary removal of the Indians, much detailed information is yet necessary, both with respect to their condition, and the topography of the country. It is desirable that the Government should ascertain distinctly the progress in improvement which the various tribes have made, that a proper system, adapted to each, may be pursued in directing and sustaining their efforts to procure subsistence. And, also, that the participation to which each should be admitted in self-government, may be known.

The boundaries of some of the grants are confused and contradictory; the extent of the cessions unknown; the quantity of land now at the disposal of the Government, merely conjectural; and the proper locations for most of the tribes who are yet to go, indeterminate. Questions of importance have already arisen, and our ignorance of the features of the country has, probably, involved us in some difficulties, not easily obviated. These will increase as the population increases, unless we take measures to apply an immediate remedy.

It is also necessary that the indigenous tribes of that region should be visited; that the power of the Government should be displayed among them; that the relations now springing up should be explained; and they informed that their new brethren are under the protection of the United States, who will defend them at all hazards, and will prevent any future contests in that quarter.

With this view, I have the honor to propose that the subject be submitted to Congress, with a recommendation for the appointment of three commissioners, to whom the whole matter may be committed. They should be men of elevated character, and of firm principles; and, if possible, with some knowledge of Indian affairs. Men in whose proceedings and decision the Government and country can have confidence. These commissioners should be attended with sufficient detachments from our frontier posts, to overawe the disaffected, and convince all of the power of the Government. They should examine the country thoroughly, ascertain and report its extent, fertility, and advantages; adjust, if possible, the existing difficulties about boundaries; determine the proper positions of the tribes who are yet to migrate, and inquire whether further cessions from the Indians of that country are necessary, and can be obtained without injury to them.

They should also visit the respective tribes, and assemble the principal men together at some convenient place or places, and cause the necessary arrangements for peace and security to be made, to the satisfaction of all.

They should examine the business of emigration; look into the conduct of all persons employed; scrutinize the expenditures, and suggest such alterations as may occur to them.

They should be directed to consider and report upon the various topics referred to in this communication; and, generally, to submit to the Government a plan, founded upon actual inquiry and observation, for the improvement, government, and security of the Indians.

In the interesting view taken of this subject, in the message of the President of the United States of January 27, 1825; and in the accompanying

report from this department, of the 24th of that month, it will be found that much of the difficulty which has since occurred, was foreseen; and that the measure of appointing three commissioners, which I have now the honor to propose, was then recommended to the attention of Congress. Had it been adopted, I am satisfied that the progress and prospects of this important plan, at this time, would have been as favorable as the Government could desire.

As it is, this measure is now essential to the further prosecution of the work. The scene of action is remote; the people to be affected, ignorant, barbarous, and vindictive; the principal topics of inquiry without the sphere of ordinary observation, and the whole subject involved in uncertainty. The Government must have possession of the necessary facts. When these are obtained, every question, affecting the final disposal of the Indians, may be approached with confidence, and decided with safety.

I have the honor to be, sir,

Very respectfully, &c., &c.,

LEWIS CASS.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT,

Office Indian Affairs, February 21, 1832.

SIR: I have the honor to state that your letter of 4th instant, enclosing a late law of Alabama, extending her jurisdiction over her Indian territory, has been received.

The intelligence communicated by you, that the leading chiefs are becoming sensible of the difficulties and disadvantages of their present residence, and the expediency of the removal of the Chickasaws, is of a pleasing character, and was to have been expected. It is a conclusion to which the department had long since arrived; and it is also equally firm in the belief, that such removal would not only obviate present embarrassment, but would also result in their lasting benefit.

With great respect, &c.,

ELBERT HERRING.

To BENJAMIN REYNOLDS, Esq.

WAR DEPARTMENT, *February 23, 1832.*

SIR: Should you find, upon your arrival among the Indians, insuperable difficulties, owing to local circumstances, in the accomplishment of the object of your appointment, you are authorized, should you think the measure expedient, to permit a deputation of five or six chiefs to visit the seat of Government, if the Indians should wish it, and should vest such deputation with full powers to conclude a treaty.

I am, &c., &c.,

LEWIS CASS.

To Col. JAMES GADSDEN, *St. Augustine, Fla.*

WAR DEPARTMENT, *February 23, 1832.*

SIR: I must ask your indulgence for having so long delayed an answer to your letter of the 13th instant. It has been owing to causes, probably, not wholly unknown to you.

I have not a doubt of the capacity or integrity of Colonels Blair and Rusk, to whom you refer; but the number of persons now employed in the business of emigration, appears to me as great as a just regard to economy will permit; and this opinion is fortified by a letter just received from Doctor Reese, who declines acting any longer, at present, under the conviction that his services are unnecessary. Mr. Currey has a general authority to suspend any person employed under him who may be found injurious or inefficient, and to report the case to this department for its action. He has also been directed to state the nature of Mr. Montgomery's services, and whether he ought to be continued in employment.

I agree with you fully, that there are some of the Cherokees to whom payment for their improvements might be prudently and properly made before their departure; but the practical difficulty would be to make a satisfactory discrimination between those who ought, and those who ought not to be thus paid. All would expect the same treatment, and no one would estimate his powers of self-government so low as to believe his case should be made an exception. It appears to me that, to attempt to make such a distinction would be to interpose serious obstacles to the attainment of the object we have in view.

The message of the President, of February 28th, 1831, to which you refer, contains a full view of his sentiments upon the question of the jurisdiction of the respective States over the Indian tribes within their limits. These sentiments are unchanged, and will regulate his official duty in any case to which they apply.

Of the information you mention as having proceeded from this place, and stating, "that if the Governor persisted in surveying and occupying, under the present law, the Cherokee territory, that he would meet with interruption from the President," I know nothing. Such an idea was never advanced by me, nor did I ever hear it advanced by the President.

Very respectfully, &c.,

LEWIS CASS.

To the Hon. DANIEL NEWMAN,

House Reps. U. States.

WAR DEPARTMENT, *February 24, 1832.*

SIR: I have received your letter of the 14th instant. The removal of the Cherokees from the limits of Georgia to the country west of the Mississippi, is, in the opinion of the President, a highly important measure; and it is one to which the attention of this department is directed. No proper step, compatible with a just economy, will be omitted in order to effect this object; but, in all our arrangements, we must preserve a reasonable proportion between the means to be employed and the probable results. Mr. Currey is the superintendent, who has charge of this whole matter; and the department has great confidence in his judgment and integrity. He has all the authority necessary for the purpose, and can employ such persons as can be useful.

From various parts of the frontier we are urged to employ particular persons, under the assurance, no doubt just, that they are proper for this business. That this is the case with Mr. Tramel, I do not question; but I imagine we have now as many engaged as circumstances will justify; and

this conclusion is fortified by the fact, that Doctor Reese, who seems peculiarly adapted to aid in this business, has declined acting any longer, under the impression that his services cannot at present be useful.

Very respectfully,

Your obedient servant,

LEWIS CASS.

To the Hon. SAMUEL A. WALES,
Clarksville, Georgia.

WAR DEPARTMENT, *February 24, 1832.*

SIR: Your communication of the 14th instant has been received; and the views expressed in your letter of Cherokee emigration, are such as the department entertain upon that subject.

No report has been received in relation to the subject you refer to; and the department, having the fullest confidence in your judgment, would be thankful for a report, in detail, of the condition of the Cherokees.

The zeal and fidelity with which you have discharged your laborious duties, the department is well satisfied with; and should your services again be required, it will afford me pleasure to call upon you.

Very respectfully, &c.,

LEWIS CASS.

To Dr. D. A. REESE,
Monticello, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, Feb. 24, 1832.

SIR: In compliance with your order to report on the claims of John Curren and Elmer Emmons, forwarded to you by A. Edwards, esq., I have the honor to state that the claims are substantiated by the certificate of Mr. Edwards, the former sub-agent; that by the 2d article of the treaty of St. Joseph, made the 20th day of September, 1828, the sum of \$7,500 was appropriated for clearing and fencing land, erecting houses, purchasing domestic animals and farming utensils, and in the support of laborers to work for them.

The whole of that sum, thus appropriated, was remitted to the Governor of Michigan, on the 4th of June, 1828. Whether the above claims have been paid or not, is not known here; and it is thought to be expedient to return these claims, that they may be presented to the new agent, Thomas J. V. Owen, that he may report upon them to this department.

Very respectfully, &c.,

ELBERT HERRING.

Hon. LEWIS CASS,
Secretary of War.

WAR DEPARTMENT,
Office Indian Affairs, Feb. 25, 1832.

SIR: A requisition was issued in your favor, on the 24th instant, for seventy-six dollars eighteen cents, being the amount estimated for by you to

cover expenses in shipping, &c., of Indian rifles from Philadelphia to New Orleans; said sum to be remitted to you at Philadelphia by the Treasurer of the United States.

Very respectfully, &c.,

ELBERT HERRING.

To Capt. P. FAYSSOUX.

WAR DEPARTMENT, *Feb. 27, 1832.*

SIR: I have received your letter of the 21st instant, with its enclosures. The latter I return to you.

I am satisfied that the removal of the Florida Indians is not less essential to their existence, than it is to the peace and welfare of our citizens who are near them; and I hope the measures now in progress will lead to that result. Should they not, the exertions of the department shall not be wanting to restrain the Indians from committing any depredations upon the citizens of that part of the Territory.

Very respectfully, &c.,

LEWIS CASS.

To the Hon. Jos. M. WHITE,
House of Reps. U. S.

WAR DEPARTMENT,

Office Indian Affairs, February 27, 1832.

SIR: In reply to your order to lay before you "the whole subject of the valuation of Cherokee improvements," I have the honor to submit the following statement:

1st. In the instructions given to the superintendent, under date of September 1st, 1831, he was directed to confine the appraisers who should be appointed, to a valuation of such improvements only as should be "fairly valuable," or, in other words, such "as add a real value to the land." This direction was in conformity with the project of September 2d, and it was repeated in the letters to Messrs. Montgomery and Hawkins, the appraisers appointed. The reason assigned in the communication to these gentlemen was, "that all personal property (it was presumed) could be disposed of without much loss." The superintendent, however, was ordered to ascertain and report what effect this arrangement, by which the valuation of the stock of the emigrants was prohibited, would have on the progress of emigration. November 7, the superintendent wrote, "that those disposed to emigrate did not expect the Government to take their stock;" and the statements forwarded to this office, by the appraisers, contain no items of this character. The original instructions on this point, therefore, may be considered as final.

2d. The superintendent was also required to report how far the suspension of payments for improvements, until after the arrival of the Cherokees at their new homes, would operate injuriously on the general plan.

The superintendent reported, that, of those who were inclined to go, many were indebted to the ruling party, and would not be allowed to depart until their debts were paid. That others had been taught to distrust all assurances of the Government; and that, by nearly all, the previous payment for these

and other reasons, was absolutely insisted upon. The agent made similar representations.

Before the arrival at his post of the superintendent, the agent had enrolled three families, and promised them, under authority from the department, their improvements should be paid for before they left. October 31, the superintendent himself wrote, "we have promised they shall receive the value of their improvements before their departure, as none of them would relinquish their country on any other terms;" but in his letter of December 14th, he seems to understand it to be the final determination of the department, as communicated in the letters of November 21st and 24th, not to advance more than shall be necessary to discharge debts, and that not until they shall have gone on board the boats. This determination was repeated to him December 20th; but, February 6th, the superintendent was informed that the President still insisted no payments in advance should be made, unless it should conclusively appear that such arrangement would prevent their removal: in that event, not more than one-half the amount of their improvements might be advanced; but he was not to give any pledge to this effect, without first obtaining the sanction of the department.

December 15th, the agent drew for ten thousand dollars, "to pay for such improvements as had been relinquished under a positive pledge of payment before their embarkation." This sum, the superintendent, in his letter of January 6th, says, "is not sufficient by one-half to answer the demand that will be made;" and, January 25th, he writes, "small payments have been made to those who preferred receiving an advance of the estimated expense of transportation and subsistence, bearing a very small proportion to the amount that will be due them, when the valuation of their property shall be approved by the department." The correspondence furnishes no more definite information of the amount the Government will be obliged to advance to the emigrants.

From the several valuation rolls transmitted by the appraisers, who were called upon to enter upon their duties on the 10th December, the accompanying summary has been prepared.

1. Roll, 47 Indians—21 slaves—63 houses, -	-	-	\$1,792 71
164 acres cleared high land, -	-	-	828 25
111 acres cleared low land, -	-	-	778 50
25 lots - - - - -	-	-	153 56
205 apple trees - - - -	-	-	282 50
562 peach trees, - - - -	-	-	344 00
2 ferry-boats and wells, -	-	-	41 50
Total,			<u>\$4,221 02</u>

It is no where distinctly stated, in the correspondence, whether certificates, for the value of these improvements, have or have not been issued to the emigrants.

I have &c., &c.,

ELBERT HERRING.

To the Honorable LEWIS CASS,
Secretary of War.

WAR DEPARTMENT,

Office Indian Affairs, February 28, 1832.

SIR: Your letter of the 21st instant, to the Secretary of War, has been received; and, in answer to that part of it which relates to the Seneca Indians, now on their way to the west, I have merely to observe that the department having long since heard of their having been arrested on their journey by the severity of the weather, and of their being in a suffering condition, gave instructions to General Clark to furnish them with necessaries, and forward them towards their destined home.

With great respect, &c.,
ELBERT HERRING.

To Colonel JOHN McELVAIN,
Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, March 1, 1832.

SIR: I have the honor to inform you that there have been received in this office, from the appraiser, J. M. C. Montgomery, esq., seven valuation rolls of Cherokee improvements, amounting, in the aggregate, to \$14,099 85, and that the said rolls have been examined and approved by the department.

For the purpose of making speedy payment, and to prevent confusion in the settlement of the various claims, you will be pleased, forthwith, to inform the department how much has been paid on the respective claims up to the day of receiving this letter, and also how much remains to be paid. You will pay nothing more for these improvements after the receipt of this, unless you are under pledge, and will then apprise the department, so that the requisite funds may be remitted to Col. H. Montgomery, and to the agent west of the Mississippi.

There is a conflicting claim to the amount of the improvements, in the name of Charles Doherty, No. 42, on the valuation roll. The better title appears to be in Mr. Daniel Davis, according to information received from the appraisers, J. M. C. Montgomery and J. M. Scudder. At all events, it would be unsafe to consider Doherty the owner, and to pay him.

With much respect,

Your humble servant,

ELBERT HERRING.

To BENJAMIN F. CURREY, Esq.
Sup't emigration, &c.

WAR DEPARTMENT, *March 1, 1832.*

SIR: I have had the honor to receive your letter of the 27th ultimo, transmitting a copy of the resolution of the House of Representatives, of February 21, 1832, directing certain inquiries to be made concerning a tract of land, reserved by the treaty with the Chicksaws of October 19th, 1818; and also a copy of the resolution of the committee of public lands, "requesting a copy of the treaty made with the same tribe on the _____ day of _____, 1830, or so much thereof, as relates to a grant of a tract of land of four miles

square to Messrs. William B. Lewis and Robert P. Currin, if in the opinion of the President, such communication can be made without injury to the public service, and that he also communicate a copy of the journal of the commissioners, who made the treaty, and such other papers, as may be in the department, touching the subject of the reservation. The request to be accompanied by a copy of the resolution of the House."

I have submitted this subject to the consideration of the President, and I have been instructed to communicate his views to the committee.

The treaty last referred to, was negotiated with the Chickasaw tribe of Indians, August 31st, and September 1st, 1830, and contains a stipulation, that one or more commissioners shall be sent, by the United States, to examine and select a country of the description stated in the treaty, who shall be accompanied by a Chickasaw deputation, to be chosen by the nation, to examine the country. And if, after such examination, a suitable tract should not be found, then the treaty was to be void.

It has as yet been found impracticable to satisfy the Chickasaws upon this subject. The country granted to the Choctaws west of the Mississippi, contains 21,000,000 of acres, a quantity entirely disproportioned to their numbers. These tribes are of a kindred stock, with the same language, customs, and modes of life. The Chickasaws are willing to settle upon the Choctaw lands, but the latter have not yet acceded to the arrangement.

A negotiation for the accomplishment of this object is yet pending, and every exertion has been used to bring it to a successful issue. There is reason to believe that the result will be satisfactory to all parties; but until the measure is accomplished the treaty itself is incomplete, and cannot be submitted to the Senate for their ratification.

The constitution has assigned to the different departments of the Government their appropriate duties. To the President and Senate it has given the treaty-making power. And although there is, in many important particulars, an obvious difference between the treaties concluded with the civilized nations of the world, and the compacts formed with the various Indian tribes, subject to the jurisdiction of the General Government or of the respective States, still the latter, as well as the former, have, by the usage of the Government, since its establishment, been negotiated and ratified by the same authority, and under the same general provision of the constitution, and many of them expressly require the action of the Senate. The same principles, therefore, which regulate one of these subjects, must regulate the other, whenever any question arises involving the exercise of an authority connected with either. Upon the preservation of the constitution, as well as its partition of duties, as in its limitations upon their exercise, depends, in the opinion of the President, the stability of this Government, which the people have established.

In considering the application made by the committee, the President does not perceive that a copy of any part of the incomplete and unratified treaty of 1830, can be "relative to any purpose under the cognizance of the House of Representatives, except that of an impeachment, which the resolution has not expressed." If this quotation, which gives the view taken of this subject by General Washington, in his message to the House of Representatives of March 30, 1796, applied to the circumstances of a call for the papers relating to a ratified treaty, in the process of execution, and for the faithful performance of which an appropriation was required, it will apply with much more force to the present application, which calls for a paper that will

be wholly inoperative until the parties have again met, and completed their arrangements; which at present gives no rights, and can "change" none, and which has not and cannot yet be submitted to the co-ordinate branch of the treaty making power, for their concurrence.

That circumstances may not arise, in which the papers relating to a ratified or an unratified treaty, should be transmitted to either House of Congress, upon their application, the President is not prepared to deny, more particularly when such ratified "treaty stipulates regulations on any of the subjects submitted by the constitution to either House of Congress," and when "it must depend for its execution, as to such stipulations, on a law or laws to be passed by Congress."

There is little analogy, however, between such cases and the one now under consideration; and, on a full view of the whole subject, I am instructed to inform you, that the President has directed me not to furnish copies of the papers required by the committee.

But I am also directed to say, in the language of the message before referred to, that the President has no "disposition to withhold any information which the constitution has enjoined upon him as a duty, or which could be required of him by either House of Congress as a right;" and that it will be his constant endeavor to harmonize with the other branches of the Government, so far as the trust delegated to him by the people of the United States, and his sense of the obligation it imposes, to "preserve, protect, and defend the constitution," will permit.

While, however, the President withholds these papers, lest, in doing otherwise, he might lose sight of his own duties, and sanction the exercise of a doubtful authority, by which means a precedent established for good purposes might be hereafter perverted to bad ones, he is still unwilling to cast a veil of mystery over a transaction requiring none; and has, therefore, directed me further to inform you, that the committee are at liberty to inspect the whole treaty, and every paper connected with it, at any hour they may call at the department for that purpose.

Very respectfully, &c.,

LEWIS CASS.

To the Hon. CHARLES A. WICKLIFFE,

Chairman of the Committee of Public Lands, H. R. U. S.

WAR DEPARTMENT, *March 3, 1832.*

SIR: In answer to the inquiries in your letter of the 1st instant, concerning the circumstances of the case presented by Mr. Stone, I have the honor to state, the goods referred to were purchased and delivered by the commissioners to the Indians at the treaty of Butts des Morts, in August, 1827; that the commissioners had no instructions to issue these goods, but were induced to do so by the peculiar circumstances of the frontier, it being at the time when the Winnebagoes commenced hostilities upon the Mississippi; that the persons who furnished these goods were fully acquainted with the circumstances under which they were procured, and knew that the payment depended upon the ratification of the treaty. The following is the copy of the certificates annexed, by the commissioners, to the invoice in this case: "We do hereby certify that the foregoing articles were delivered to the Indians in our presence; and if an appropriation shall be made therefor by

Congress, David Stone will be entitled to receive \$4,986 61, being the amount of the above account."

The treaty was concluded, August 11, 1827, but was not acted on by the Senate at their next session. It was ratified, February 23, 1829, and the estimates for the necessary appropriation were immediately sent in. These were included in a bill, which ultimately failed, in consequence of a disagreement between the two Houses, relative to an item for the survey of Indian lands west of the Mississippi. At the subsequent session, April 30, 1830, the appropriation was made; and, on the 8th of June following, Mr. Stone's draft, then assigned to Thomas Wolcott, was paid.

I am informed there is no evidence in the department that the draft was presented, at any time; that such presentation, as was well known to all the parties, would have been wholly useless before the passage of the appropriation. The whole subject had been fully reported to the Government.

As a legal question between two individuals, I presume the holder of such a draft could not demand interest upon, at any rate till the ratification of the treaty, and perhaps not till after the period of the ratification.

But it is due to justice to state, that it was the expectation of the parties, that, at the next session of Congress, the treaty would be ratified, and the necessary appropriations made, agreeably to uniform practice—a practice unvaried, except in this case; and varied in this only by accidental circumstances.

With great respect, &c., &c.,

LEWIS CASS.

To the Hon. ELISHA WHITTLESEY, *H. R. U. S.*

WAR DEPARTMENT, *March 5, 1832.*

SIR: I have received your letter of the 10th instant, resigning your appointment as an enrolling agent.

I agree with you fully in your views of the inexpediency of permitting the Indians, who have enrolled for emigration, to remain in the country. The great object of the Government will be lost by such a practice; and this was one of the reasons which induced the President to decline, acceding to the proposition, to pay to the emigrants the value of their improvements before their removal; well knowing, that after the money were paid, there would be little security for their compliance with their engagements. The opinion of the department has already been given upon this subject, and I was not aware, till I received your letter, that this practice had been tolerated in a single instance. I shall not fail to correct the error, and to direct that all such persons be removed hereafter. What has been done is of sufficient importance to require investigation; and I shall therefore cause to be transmitted to Mr. Currey a copy of your letter, and to request of him the reasons why a course prohibited by the department has been pursued.

No such appraisement of several thousand dollars for a single improvement, has been received here.

Very respectfully, &c.,

LEWIS CASS.

To REUBEN THORNTON, Esq.,

Vann's Ferry, Hall county, Ga.

WAR DEPARTMENT, *March 5, 1832.*

SIR: I have had the honor to receive your letter of the 23d ultimo, and am much gratified to learn, that the prospects are so favorable of a successful result to the existing policy. No effort will be spared by the Government to induce the Cherokees to emigrate, and the time cannot be remote, when they and all their true friends will feel and acknowledge that upon the adoption of that measure depend their hopes and existence. If the dominant party among them shall be prepared, during the present season, to treat for a removal, we shall not fail to offer them the most liberal terms. The question, within any just limits, is not a pecuniary one, but embraces far higher considerations. If, however, they will not negotiate, we shall go on enrolling and removing with as little delay as possible.

I shall be very happy to receive any suggestion you may be disposed, from time to time, to make upon this subject; the importance of which I fully appreciate.

With great respect,

I am, sir, your obedient servant,

LEWIS CASS.

To his Excellency WILSON LUMPKIN,
Governor of Georgia.

WAR DEPARTMENT,

Office Indian Affairs, March 5, 1832.

SIR: It has been intimated to the department, that some of the Indians who have enrolled to go west, and who have received a portion of their valued improvements, are permitted to purchase elsewhere, and by change of location to remain among the whites. This practice is a violation of good faith, and will not be allowed. The understanding of the Government is, that when a person enrolls, he thereby agrees to go to the west of the Mississippi; and if he receives the whole, or a portion of the value of his improvements, in pursuance of his enrolling, and purchases elsewhere in that or either of the States or Territories, with the view of residing there, he acts with bad faith, and will not be protected in such fraudulent transaction. The departure of those who have enrolled to go, will be enforced. The enrolment is optional; but after the determination has been made, it is obligatory to go, and their removal west of the Mississippi will be enforced.

The superintendent, Mr. Currey, has been written to on this subject; but apprehensive that he may have set out with the Indians for the west, it was thought expedient to give you this information, that you might communicate it to the enrolling agents, and otherwise give it all possible publicity.

With great respect,

Your humble servant,

ELBERT HERRING.

To Col. HUGH MONTGOMERY,
Cherokee Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, March 6, 1832.

SIR: By the accompanying letter of Mr. Thornton, you will perceive

that he complaints of a practice that this department trusts has not been countenanced by a single officer of the Government, nor pursued by any of the enrolling Indians. He intimates, that some of the Indians, who have enrolled to go west of the Mississippi, and who have received a portion of their valued improvements, are permitted to purchase elsewhere, and by change of location to remain among the whites. This practice is a violation of good faith, and will not be allowed. The understanding of the Government is, that when a person enrolls, he thereby agrees to go to the west of the Mississippi; and if he receives the whole or a portion of the value of his improvements, in pursuance of his enrolling, and purchases elsewhere, in that, or either of the States or Territories, with the view of residing there, he acts with bad faith, and will not be protected in such fraudulent transaction. The departure of those who have enrolled to go, will be insisted on. Their enrolment is optional; but after their determination has been made, it is obligatory to go; and their removal west of the Mississippi will be enforced. You now see the strong reason for not paying for their improvements until they shall have crossed the Mississippi.

In your communication of the 17th ultimo, you suggest the expediency of authorizing the appraisers to aid in enrolling. The department approves the suggestion, and you will instruct the appraisers accordingly; and, as to your recommendation to increase their compensation for these blended services to \$1,500 per annum, they bearing their own expenses, the department submits it to your discretion; merely observing, that, in graduating compensation, it would allow rightful recompense, and avoid wasteful expenditure.

With great respect, &c.,

ELBERT HERRING.

To BENJAMIN F. CURREY, Esq.,

Superintendent emigration, &c.

WAR DEPARTMENT,

Office Indian Affairs, March 8, 1832.

SIR: Your letter of the 12th January last, to the late S. S. Hamilton, esq., respecting alleged abuses of public confidence, in the removal of the Choctaw Indians to the west of the Mississippi, has been received.

The information communicated by you, though derived from rumor only, will induce a rigid examination of the account, when presented for payment; and, if such scrutiny should detect imposition, the overcharged items in the account will be rejected, and such an allowance only will be made as equity may warrant.

Whatever precaution may be adopted by the department, and whatever co-operating assistance may be rendered by the friends of justice, occasional fraud will be practised. In this case, I trust your patriotic admonition will prevent its successful action.

With much respect, &c.,

ELBERT HERRING.

To Mr. JAMES EDINGTON.

WAR DEPARTMENT,

Office Indian Affairs, March 8, 1832.

SIR: In reply to your letter of the 1st December, 1831, in which you

observe, "that you have advanced to certain delegates of the western Cherokee nation \$550, which may be deducted from the next annuity, and placed to your credit, should it meet with the approbation of the department,"

I am instructed by the Secretary of War to state, that the established regulations of the department, concerning the payment of annuities, will be rigidly enforced; and, as you have advanced money to those delegates in violation of those regulations, you must look to those individuals alone for re-payment.

With great respect, &c.,

ELBERT HERRING.

To Capt. GEORGE VASHON,
Indian Agent, &c.

WAR DEPARTMENT, *March 9, 1832.*

SIR: Your letter of the 7th instant, in relation to the 4th article of the treaty of Prairie du Chien, of the 15th July, 1830, has been received.

The department, in its construction of that article, considers the use of oxen indispensable in working the ploughs and carts. You are therefore authorized to turn over to the Sioux the three yoke purchased by you for their benefit, and charge the amount in the settlement of your accounts with the Government, out of the appropriation under the 4th article of the treaty.

Very respectfully, &c.,

LEWIS CASS.

To Major LAWRENCE TALIAFERRO,
Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, March 9, 1832.

SIR: Your letter of the 18th ultimo, with the valuation rolls of Cherokee improvements, has been received.

Benjamin F. Currey, esq., and Colonel Hugh Montgomery, had both been instructed to authorize the appraisers of their improvements to assist in enrolling the Cherokees, and the extra compensation was submitted to the determination of Mr. Currey.

It is not presumable that Mr. Currey will leave your section of country for the west, without previously instructing you to stop or proceed in the business of enrolling. If, however, he should depart without instructing you on that subject, it will be left to the judgment of Colonel H. Montgomery, to continue or not the appraising and enrolling business.

With great respect,

Your humble servant,

ELBERT HERRING.

To J. M. C. MONTGOMERY, Esq.

WAR DEPARTMENT,

Office Indian Affairs, March 9, 1832.

SIR: In obedience to your instructions to give all "the information in the department on the subject of an application by Colonel Gad Humphreys,

for the price of a tract of land and improvements, of which he alleges he has been deprived by an order of the War Department, "and referred to in the Hon. C. Johnson's letter to you of the 4th instant, I have the honor to state the following facts:

That the treaty with the Florida Indians was concluded September 18th, 1823, and was ratified December 23d, 1823, with the exception of the 10th article, by which a tract of one mile square was given to Colonel Gad Humphreys.

That by the 8th article a commissioner was appointed to run the boundary lines; and on the report of the commissioner, Colonel Gadsden, the President, under the 9th article, directed the northern line to be extended so far "as to embrace a sufficient quantity of good tillable land."

That this order was dated February 25th, 1825, and that the consequent report of the surveyor, Mr. Coffee, was dated June 1st, 1827; in which he states, that he has not, in running the line, "interfered with white settlements or individual claims, except in the Big Swamp."

That on September 20, 1825, Colonel Humphreys forwarded a description of the site selected for the agency, a plan of the buildings, and an estimate of their cost, to wit \$5,000. The site was within and bordering on the original boundary line.

That on the 12th of November, 1825, he was informed that the site was approved, but that the cost of the buildings must not exceed \$2,000. That the site was, from his description, one of the most valuable within the limits of the agency; but in no one of his letters to the department, and on file in this office, has he advanced any claim to the land or buildings.

Colonel Humphreys was removed, as agent, on the 18th of March, 1830.

The foregoing is all the information which the books and files of this office can furnish, touching the claim of Colonel Humphreys.

I have, &c., &c.,

ELBERT HERRING.

To the Hon. LEWIS CASS,
Secretary of War.

Mr. Humphreys, under date of 13th April, 1828, presented his account and vouchers for the buildings, amounting to one thousand four hundred and eighteen dollars and eighty-five cents, which was paid out of the contingent fund.

WAR DEPARTMENT,

Office Indian Affairs, March 10, 1832.

GENTLEMEN: Your letter of the 8th instant, to the Secretary of War has been received, and I have been instructed to inform you, that in the message of the President of the United States to the Senate, of February 22d, 1831, transmitted to you in a letter from the Secretary of War of the 10th January last, you will find the views of the President concerning his own duty under the constitution and laws of the United States, upon subjects connected with Indian intercourse, and that those views are unchanged.

With respect to the possession of lands vacated by emigrant Cherokees, the President considers that, under the treaty of May 6, 1828, it devolves

upon any person, who, under the laws of the State of Georgia, is entitled thereto.

Very respectfully, &c.,

ELBERT HERRING.

To Messrs. JOHN MARTIN and WILLIAM S. COODEY.

WAR DEPARTMENT,

Office Indian Affairs, March 10, 1832.

SIR: The chief clerk of the War Department wrote to you on the 24th November last, in the following words: "The United States will pay the expense of all horses necessary to the transportation of baggage, &c., except that of forage, and all others are to be removed at the expense of the owners."

It is trusted that you have borne that instruction constantly in mind, as the department is tenacious upon that point, and will not pay any expense other than as above-mentioned.

With great respect, &c.,

ELBERT HERRING.

To BENJAMIN F. CURREY, Esq.,

Supt. of emigration, &c.

WAR DEPARTMENT,

Office Indian Affairs, March 10, 1832.

SIR: In obedience to your direction, to report on the claims of Susannah Graham and Ann V. Lewellen to reservations of land under the late Choctaw treaty, concluded at Dancing Rabbit creek, which claims were presented by the Hon. F. E. Plummer, I have the honor to state, that on the register made by the agent, Col. Ward, and transmitted to this office, of the names of those Choctaw Indians who had legally signified their intention to remain and become citizens of the States, according to a provision of the said treaty, the names of Susannah Graham and Ann V. Lewellen are returned; and that, on the said register, each of them is represented as having a child. It is apprehended, therefore, that by virtue of the said report of the agent, contained in the said register, that each of them, the said Susannah Graham and Ann V. Lewellen, is entitled to a full section of land, under the 14th article of the said treaty.

I have the honor to be, &c.,

ELBERT HERRING.

Hon. LEWIS CASS,

Secretary of War.

WAR DEPARTMENT,

Office Indian Affairs, March 10, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st inst., enclosing a memorial of the chiefs of the Delawares in Ohio, praying that a debt of about \$754, due by the Delawares to Cors. Wilson, may be paid out of the funds appropriated to defray the expenses of their removal west of the Mississippi.

Similar applications have been made to the department, and they have uniformly been refused. It is an established rule of the department, not to be varied from, however meritorious the application, that it will not interfere for the payment of individual debts.

The petition is therefore necessarily denied.

With great respect, &c.,

ELBERT HERRING.

Col. JOHN McELVAIN,
Indian Agent.

WAR DEPARTMENT,

Office Indian Affairs, March 12, 1832.

SIR: In answer to your letter of the 9th ultimo, to the Secretary of War, relative to white people settling in the Choctaw country, in violation of the treaty, I am instructed to state, that the Government will carry into effect, with good faith, all its treaty stipulations; and that in pursuance of such determination, troops have been ordered into the Indian country for the purpose of expelling intruders from your nation.

With great respect, &c.,

ELBERT HERRING.

To MUSHULATUBBEE,
Choctaw Chief.

WAR DEPARTMENT,

Office Indian Affairs, March 12, 1832.

SIR: Complaint has been made to the department, that while intruders have presented themselves in the Choctaw country, and have refused to leave it, and the Government being determined to keep intruders from the Indian country, pursuant to treaty obligation, troops have been ordered to the mouth of the Yazoo river, subject to your requisition, for the purpose of expelling them from that country.

With great respect, &c.,

ELBERT HERRING.

To Col. WM. WARD,
Choctaw Agent.

WAR DEPARTMENT,

Office Indian Affairs, March 12, 1832.

SIR: In answer to your letter of February 2, 1832, on the subject of a ferry for the benefit of the infant children of your son, Jack Pitchlyn, deceased, I am instructed to say, that the right to a ferry from the west side of the Tombigby, opposite to Columbus, according to agreement made by Gen. Jackson with your son, Jack Pitchlyn, at Doak's Stand treaty, in 1820, will be secured to his two infant sons, John Pitchlyn and Hiram R. Pitchlyn.

You are at liberty to inform the agent and all other persons, that this arrangement will be made.

With much respect, &c.,

ELBERT HERRING.

To JOHN PITCHLYN.

WAR DEPARTMENT,

Office Indian Affairs, March 13, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th ultimo, and also a copy of the register of the names of orphan Choctaw children. In answer to your request, for permission to visit the Washington this spring, I am instructed to say, that the existing state of things in your agency necessarily forbids your absence at this time. After the white intruders shall have been expelled from the Choctaw country, if the business of your agency will not suffer by your coming here, there will be no objection to your visiting this place, provided you pay your own expenses.

With much respect, &c.,

ELBERT HERRING.

To Col. WILLIAM WARD, *Choctaw Agent.*

WAR DEPARTMENT, *March 14, 1832.*

SIR: The enclosed report of the officer in charge of the Indian bureau, in regard to certain reservations allowed to James L. McDonald and Robert Jones, will give you the information verbally requested.

Very respectfully, &c.,

LEWIS CASS.

Hon. R. M. JOHNSON.

WAR DEPARTMENT,

Office Indian Affairs, March 12, 1832.

SIR: Having been instructed by you to report on the subject of reservations of land allowed to James L. McDonald and Robert Jones, by the treaty concluded at Dancing Rabbit creek, I have the honor to state, that by the second article of the supplement to the said treaty, there was allowed to each of them, the said James L. McDonald and Robert Jones, a section and a half of land, with permission to them to locate one section each, and one section jointly, on any unimproved and unoccupied land in the Choctaw country.

The treaty was ratified on the 24th day of February, 1831, and since that period James L. McDonald has died intestate.

After the ratification of the treaty, each of them had the right to locate for himself a section of land on any unimproved and unoccupied land in the Choctaw territory; and that right is still vested separately in Jones, and the legal representatives of McDonald. The remaining section, which they

were authorized to locate jointly, belongs equally to Jones and the legal representatives of McDonald, and they have the concurrent right to locate and and then divide it.

I have the honor to be, &c.,

ELBERT HERRING.

Hon. LEWIS CASS,
Secretary of War.

WAR DEPARTMENT,

Office Indian Affairs, March 15, 1832.

SIR: The surveyor of public lands, in the State of Mississippi, has been instructed to cause the boundary line between the Choctaw and Chickasaw lands to be run, before any other surveys are made. You will be pleased to inform the Chickasaw Indians, within your agency, of this arrangement, and that two or three of their chiefs will be permitted to attend, if they wish it, to give information to the surveyor upon the subject; and also to accompany him during the whole time of the survey.

With great respect, &c.,

ELBERT HERRING.

To Col. BENJAMIN REYNOLDS,
Indian Agent, &c.

WAR DEPARTMENT, *March 15, 1832.*

SIR: I have the honor to transmit to you the copy of a letter from Levi Colbert, the Chickasaw chief, to the President, concerning the boundary between the lands belonging to that tribe, and those ceded to the United States by the Choctaws, under the treaty of Dancing Rabbit creek of 1830, and to request that you direct the proper surveyor to run this boundary line before he proceeds to any other survey.

I have directed the agents to the Chickasaws and Choctaws to correspond with the surveyor of public lands in Mississippi, and when they ascertain the deputy surveyor is ready, to attend with two or three chiefs of each tribe, to give such information upon that subject as may be necessary.

Very respectfully, &c.,

LEWIS CASS.

To the Hon. LOUIS McLANE,
Secretary of the Treasury.

WAR DEPARTMENT, .

Office Indian Affairs, March 15, 1832.

SIR: I have been instructed to inform you that your letter to your father, the President, has been received, and that in consequence of it the surveyor of public lands in the State of Mississippi, has been directed to run the boundary line between the Choctaw and Chickasaw lands, before any other surveys are made. The agents of those tribes have been ordered to inform the Indians, within their respective agencies, of this arrangement; and also

that two or three of the chiefs of each of the said nations will be permitted to attend the surveyor, if they desire it, to give information upon the subject, and also to accompany him during the whole time of the survey.

With great respect, &c.,

ELBERT HERRING.

To LEVI COLBERT,
Chickasaw Chief.

WAR DEPARTMENT,
Office Indian Affairs, March 16, 1832.

SIR: The surveyor of public lands in the State of Mississippi, has been directed to cause the boundary line between the Choctaw and Chickasaw lands to be run before any other surveys are made. You will be pleased to inform the Choctaw Indians, within your agency, of this arrangement; and that two or three of their chiefs will be permitted to attend, if they wish it, to give the surveyor information upon the subject, and also to accompany him during the whole time of the survey.

With great respect, &c.,

ELBERT HERRING.

To Col. WILLIAM WARD,
Choctaw Agent, &c.

WAR DEPARTMENT,
Office Indian Affairs, March 16, 1832.

SIR: I have the honor to acknowledge the receipt of your communication, of the 29th ultimo, and the map, or sketch of the reservation, therein enclosed.

I am instructed to say that the report of your proceedings, contained in that communication, was highly satisfactory; and that the location and dimensions of the town plot, concerning which you have been pleased to ask for instructions, are left entirely to your own judgment. You will therefore give such orders, in relation thereto, as comport with your own views of the subject.

With great respect, &c.,

ELBERT HERRING.

General WILLIAM CLARK,
Superintendent Indian Affairs.

WAR DEPARTMENT, *March 17, 1832.*

SIR: I have received your application in favor of Mr. Jones, and must refer him for employment to the person who may be appointed to superintend the emigration of the Choctaws, during the coming season. With him the power of appointment will rest.

I am, very respectfully, &c.,

LEWIS CASS.

Hon. R. M. JOHNSON, *H. R. U. S.*

WAR DEPARTMENT, *March 17, 1832.*

SIR: The enclosed report of the officer in charge of the Indian bureau, contains the views of the department, in relation to the claim of John P. Smith, submitted in your letter of the 6th instant.

Very respectfully, &c.,

LEWIS CASS.

Hon. JAMES K. POLK, *H. R. U. S.*

WAR DEPARTMENT,
Office Indian Affairs, March 16, 1832.

SIR: In compliance with your order, to report upon the claim of John P. Smith, under the Chickasaw treaty of 1818, presented by the hon. Mr. Polk, I have the honor to state, that John P. Smith claims \$666, a balance alleged to be due to him on three certificates for improvements, to be paid under the provisions of that treaty; the said certificates having been given to Joshua Fletcher, John Moore, and William Irvin, and assigned to him for valuable consideration.

The improvements stipulated to be paid for by that treaty, were valued at \$1,892, and certificates to that amount were given to the following persons, viz.

Joshua Fletcher	-	-	-	-	-	-	\$1,047
H. Love	-	-	-	-	-	-	500
Winchester and Carr	-	-	.	-	-	-	345
							<u>\$1,892</u>

The said amount of \$1,892 was paid to the before named persons, or their assignees, on the said certificates, by the agent, Maj. B. F. Smith, as appears by his account settled in the Second Auditor's office; and it does not appear that any certificate for improvements, valued under the said treaty, was given to John Moore, or William Irvin, or any other person than those before mentioned.

The claim of J. P. Smith is therefore disallowed, and the papers herewith returned.

I have the honor to be, &c.

ELBERT HERRING.

Honorable LEWIS CASS,

Secretary of War.

WAR DEPARTMENT, *March 19, 1832.*

MY FRIENDS: I have received your letter, respecting your proposed arrangement. I have not time to enter into a written correspondence with you on this subject; we can better agree by verbal conversations and explanations. With that view, I invite you to meet me at the War Office to day at noon, when I shall be ready to enter with you upon the subject.

LEWIS CASS.

To the CREEK DEPUTATION.

WAR DEPARTMENT,
Office Indian Affairs, March 19, 1832.

SIR: I have the honor to acknowledge the receipt of your communication of the 20th ultimo, and cannot but deplore the infatuation of the Cherokee Indians, which prompts them to remain in certain and increasing wretchedness in their present position, rather than go to a better home, where they may live in plenty, and avoid oppression, and improve their condition.

Where the reservees have acted with bad faith, and practised imposition on the Government, by failure of obligatory conditions, means will be used to compel their compliance. It may be expedient to let them understand that they will be constrained to perform their voluntary engagements.

It will, however, be advisable to wait the issue of pending negotiations here, before coercive measures are employed. It will suffice, at present, to assure them of the determination of the Government.

With great respect, &c.,

ELBERT HERRING.

To BENJAMIN F. CURREY, Esq.,
Superintendent of emigration, &c.

WAR DEPARTMENT,
Office Indian Affairs, March 19, 1832.

SIR: The Secretary of War has instructed me to acknowledge the receipt of your letter of the 28th ultimo, and to say that your suggestions, touching the giving certificates to the Indians for pay to remove themselves, have received the most respectful consideration.

Will you be pleased to inform the department why it is expedient that three persons should be appointed to give such certificates? Why would not one person be sufficient to perform that duty? Why cannot the agent himself discharge it?

Will you also have the kindness to make the necessary inquiry, and to inform the department what is the lowest sum that the Indians will take, individually, and remove themselves willingly. Ten dollars are now allowed. They think it insufficient. What will satisfy them? What amount will silence murmur, and induce cordial departure? Ascertain the lowest sum that they will individually be willing to take, having reference as well to their own comfort and wishes as to a just and suitable economy.

With great respect, &c.,

ELBERT HERRING.

To Col. WILLIAM WARD,
Choctaw Agent, &c.

WAR DEPARTMENT,
Office Indian Affairs, March 21, 1831.

SIR: The Secretary of War has this day advanced to Warpole and Jacques, chiefs of Wyandots, the sum of one hundred and fifty dollars, on account of their annuity which will be due for this year; with which sum you are charged, and which will be deducted from the Wyandot annuity when remitted.

I enclose a receipt, signed by the aforesaid chiefs, for the sum advanced, to be included in your account accordingly.

Very respectfully, &c.,

ELBERT HERRING.

Col. JOHN McELVAIN,

Indian Agent, Columbus, Ohio.

WAR DEPARTMENT, *March 21, 1832.*

SIR: Please to pass the sum of three hundred and fifty dollars, being the interest on stock held by the Secretary of War, in trust, which has accrued between the 1st January, 1830, to 31st December, 1831, to the credit of the Treasurer of the United States, under the head of contingencies of the Indian department.

Your obedient servant,

LEWIS CASS.

RICHARD SMITH, Esq.,

Cashier U. S. Branch Bank, Washington.

WAR DEPARTMENT,

Office Indian Affairs, March 22, 1832.

SIR: I have the honor to acknowledge the receipt of your communication of the 28th ultimo to the Secretary of War, and to say that I am instructed by him to state, that the explanation contained in it, touching the removal of the Senecas, is satisfactory.

You will be pleased, therefore, to take charge of them, as formerly instructed, and to conduct them to their destined home, with comfort to themselves and economy to the Government. You will act under instructions from Gen. Clark.

With great respect,

ELBERT HERRING.

To HENRY C. BRISH, Esq.

WAR DEPARTMENT,

Office Indian Affairs, March 22, 1832.

SIR: Capt. H. C. Brish has this day been instructed to resume his duties as agent to conduct the Senecas to their destined home west of the Mississippi.

Capt. Brish will act under your superintendency, and is referred to you for instructions.

With much respect, &c.,

ELBERT HERRING.

Gen. WILLIAM CLARK,

Sup't Indian Affairs, &c.

WAR DEPARTMENT,

Office Indian Affairs, March 22, 1832.

GENTLEMEN: I have the honor to acknowledge your communication of the 10th ult. to the President of the United States.

I am instructed to say that the survey of the country, and the location of the reservations, are a prerequisite to the consent of sale necessary to be given by the President. Your application is therefore premature.

With great respect, &c.,

ELBERT HERRING.

To Messrs. JOHN BELL and ROBERT GORDON.

WAR DEPARTMENT,

Office Indian Affairs, March 22, 1832.

SIR: Your communication to the President of the 16th, relative to claims of yourself and others, under the treaty of 1828, concluded with the Cherokees, has been referred to this office. I am instructed to say, that it is cause of regret to the department that you or any of your nation, have been subjected to loss or inconvenience by the neglect or delay of the Government, or any of its officers, in providing promised assistance, or settling honest claims.

Redress for such unintended grievances shall be speedily afforded, so far as it can be done consistently with the established forms of proceeding in similar cases.

As your letter has been written in behalf of others as well as for yourself, you and they will be pleased to make out your accounts, specifying the particular items, and leave them at this office, that they may be transmitted to the agent, Mr. Vashon, with instructions for examination and settlement.

With great respect, &c.,

ELBERT HERRING.

Major ALEXANDER SANDERS.

WAR DEPARTMENT, *March 23, 1832.*

SIR: Please to pass the sum of four thousand two hundred and thirty-two dollars, being the amount of dividend due on the stock held by the President, in trust, for the Seneca nation of Indians, for the 4th quarter of 1830, and for the year 1831, to the credit of the Treasurer of the United States, to reimburse, in part, the contingencies of Indian department, on account of sums heretofore drawn from that fund and paid to said Indians.

Very respectfully, &c.,

LEWIS CASS.

RICHARD SMITH, Esq.,

Cashier U. S. Branch Bank, Washington.

WAR DEPARTMENT,

Office Indian Affairs, March 24, 1832.

SIR: Your letter to the Secretary of War, concerning the sale of land reserved for some of your tribe, and the sum of money due to you by the Government, has been received.

Neither Col. Ward, nor any other person, has a right to interfere with the sale of reservations belonging to your people, unless it be to benefit your people, and prevent imposition and fraud. The President has the power to reject or approve such sales, and he will be very cautious in sanctioning

them. His consent will be withheld, unless there has been perfect fairness in the purchase; and adequacy of price, or consideration, will be an essential circumstance.

The hundred dollars that are due to you will be remitted very soon. Congress have not yet passed the appropriation bill: soon as that passes, the money will be sent to you.

With great respect, &c.,

ELBERT HERRING.

MUSHULATUBBE, *Choctaw Chief.*

WAR DEPARTMENT,

Office Indian Affairs, March 24, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, to the Secretary of War, concerning the removal of the Indians from Ohio.

I am instructed to inform you that the treaty concluded with them has not yet been ratified; and that, consequently, the department cannot, at present, give a definitive answer to your letter.

Immediately after the ratification, instructions will be forwarded to you.

With great respect, &c.,

ELBERT HERRING.

To Col. JOHN McELVAIN,
Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, March 28, 1832.

SIR: I have received your letter of the 28th instant. On referring to the contract with Mr. Dixon, for ploughs, it is provided that the sum of \$4 50 is to be paid for each one, delivered at Pittsburgh; and twenty-five cents to be added, if delivered at White river. As it is not stated in your letter where the ploughs are to be delivered, it is difficult to make the remittance; but, that no time may be lost, you are authorized, on the receipt of them, to draw on the Secretary of War for the whole cost, at sight, advising me accordingly.

Very respectfully, &c.,

ELBERT HERRING.

To Major R. L. BAKER,
Alleghany Arsenal, Pa.

WAR DEPARTMENT, *March 31, 1832.*

SIR: I have received your letter of the 5th instant; and, in answer, beg leave to observe, that I fully appreciate the benevolent exertions of your society in their efforts to improve the condition of the Indians; and I do not doubt but, in this labor, they are influenced by the most disinterested motives. I have long known their praiseworthy proceedings at Waupagh-konetta, and the confidence which the Indians place in them.

The condition of the Shawnees is now so uncertain, that I do not think it best to make any permanent arrangement for them. The treaty made with them is yet pending before the Senate. When once disposed of, we shall be able to determine the course proper to be pursued. If it is ratified, and your teachers incline to accompany the Shawnees in their migration to the west, they shall be allowed a just share of the sum appropriated by the Government for the improvement and civilization of the Indians. If it is not ratified, and the Shawnees conclude to remain, and your establishment is continued, aid from that fund shall be afforded.

As soon as you ascertain whether the treaty is ratified, if you will address me a letter, stating your views, the subject shall be immediately attended to.

Very respectfully, &c.,

LEWIS CASS.

Mr. LEWIS WALKER,

Mount Pleasant, Ohio.

WAR DEPARTMENT, *March 31, 1832.*

SIR: I have had the pleasure to receive your communication of the 10th instant, containing very satisfactory information of the condition of the Cherokees. For this letter be pleased to accept my thanks.

I am, very respectfully, &c.,

LEWIS CASS.

Dr. D. A. REESE, *Monticello, Ga.*

WAR DEPARTMENT,

Office Indian Affairs, April 4, 1832.

SIR: Information has been communicated by Mr. Davis, to the department, of the highly improper conduct of Colonel Turk, and others, towards the Georgia guard and the emigrating Cherokees at the agency, and requesting a guard of United States' troops.

Should you think, from your knowledge of the state of feeling towards the emigrants, that a guard should be stationed in Tennessee or Alabama, for their protection from abuse or intrusion, upon communicating such an opinion to the department, orders will be given to have one furnished accordingly.

During the absence of Mr. Currey from the nation, you will superintend all the operations of enrolling, &c. Use all diligence in promoting the cause of emigration, and observe the strictest economy in all your disbursements.

The enclosed letter, addressed to Mr. Currey, you will retain and hand him upon his return to the agency.

Respectfully, &c.,

ELBERT HERRING.

Col. HUGH MONTGOMERY,

Cherokee Agent, &c.

WAR DEPARTMENT,
Office Indian Affairs, April 4, 1832.

SIR: Your letter, of the 22d March, has been received; and, in answer, I am directed by the Secretary of War to state, that the department cannot but consider the conduct of Colonel Turk, as represented by Mr. Davis, highly reprehensible, and such as to require, from the facts communicated, legal investigation. If you shall think, upon mature deliberation, and the knowledge you have of the circumstances of the case, it is necessary to make an example of Colonel Turk, in order to deter others from similar acts of aggression, you will institute a prosecution against him, through the District Attorney; with whom you will confer upon the subject.

The Secretary is pleased to learn that yourself, the agent, (Colonel Harding,) and the appraisers, are all the agents that will be required during the ensuing season. If, however, the services of an appraiser can be dispensed with, you are directed to discharge him for the present.

A reasonable allowance will be made for the erection of the temporary buildings, referred to in your letter, for the accommodation of those Indians who first arrived at the agency, and were necessarily detained. The department having the utmost confidence in your judgment and prudence, expects the most rigid and strict economy in the disbursement of the public funds committed to your hands.

Upon your return to the agency, you will make out and forward a full and detailed statement of the whole cost for each emigrant, from the time of enrolment until arriving at the place of destination.

I am, sir, &c.,

ELBERT HERRING.

TO BENJ. F. CURREY, Esq.,
Sup't of emigration, &c.

WAR DEPARTMENT,
Office Indian Affairs, April 4, 1832.

SIR: Your letter of the 23d ult., reporting your arrival at the Cherokee Agency, and communicating the improper conduct of Col. Turk towards the Georgia guard, has been received, and Mr. Currey instructed accordingly.

For the information, thus promptly communicated, in relation to Col. Turk, be pleased to accept the thanks of the department.

Respectfully, &c.,

ELBERT HERRING.

MR. WM. M. DAVIS,
Cherokee Agency.

WAR DEPARTMENT,
Office Indian Affairs, April 4, 1832.

MADAM: I am instructed by the Secretary of War to reply to your letter to him of the 16th of last month.

The late Samuel S. Hamilton, of this office, wrote to the agent, Colonel McElvain, to give you all the assistance in his power to collect the debts due to your late husband, as an Indian trader.

It is not in the power of this department to otherwise interpose in collecting or securing those debts. It is an established regulation of the department, in cases of debt, that the creditors of Indians must look to them alone for payment.

With great respect, &c.,

ELBERT HERRING.

Mrs. MARY ANN CALDWELL.

WAR DEPARTMENT,

Office Indian Affairs, April, 5, 1832.

SIR: Your letter, of the 31st ultimo, is received, with its enclosures. A requisition has been issued in your favor for thirteen dollars and forty-two cents; which will be remitted, as usual, to enable you to close the accounts for expenses in shipping the Indian rifles to New Orleans, which you will now please to have done, as heretofore.

Very respectfully, &c.,

ELBERT HERRING.

Captain P. FAYSSOUX,

Military Store-keeper, &c.

WAR DEPARTMENT, *April 5, 1832.*

SIR: You will receive, herewith, a copy of the treaty recently concluded with the Creek tribe of Indians.

By the 5th section you will perceive the circumstances under which intruders are to be removed from the ceded land.

It is the President's desire, that this article be faithfully executed; but that it be executed with as much regard to the feelings and situation of the persons, whose cases are embraced by it, as possible. I am directed by the President to instruct you to repair to the district, ceded by the treaty, and give notice to all persons, except those allowed by the treaty to remain until their crops are gathered, to remove within as short a period as practicable, having due regard to their local position, and other circumstances. This period you will fix, and publicly make known; explaining fully, to all persons interested, the obligations of the Government, and the earnest hope of the President, that a just regard to these will induce every citizen to remove within the time prescribed. And I will not permit myself to doubt but that the valuable cession made by the Indians, and the public faith which has been plighted to them, will furnish motives sufficiently powerful to produce this desirable result.

Should it, however, be otherwise, you are requested to remove all those persons, under the provision of the act of Congress of March 3d, 1807; and to enable you so to do, orders have been given to the commanding officer at Fort Mitchell to aid you with the military force under his command.

You will call upon him for such assistance as you may find necessary, and the same will be furnished and applied agreeably to your directions.

In the execution of this delicate trust, I recommend to you to be as conciliatory as may be compatible with the object to be obtained.

Apply force only when absolutely necessary; and then, after having fully explained to the parties their own duties, the rights of the Indians, the obli-

gations of the Government, and the instructions you have received. When a person is removed beyond the boundary line, he will be left entirely free.

As all persons on these lands are liable, under the law, to be removed, and as the exception in the treaty merely operates to allow the Government to permit them to remain, the evidence, in each case, will be furnished by those who claim the benefit of this exemption, and must be such as will be satisfactory to you. You will keep this department advised of your proceedings in this business.

Very respectfully, &c.,

ROBERT L. CRAWFORD, Esq.,

LEWIS CASS.

Marshal for the Southern District of Alabama, Tuscaloosa.

WAR DEPARTMENT, *April 5, 1832.*

DEAR SIR: I have just been favored with your letter of the 2d instant.

You will have seen, ere this, the Creek treaty, which has been ratified by the Senate. By its provisions, persons, who have forcibly obtained possession of the Creek lands, are to be removed, in the manner provided for the removal of intruders from other public lands. Those who have obtained peaceable possession are to remain until their crops are gathered. By that time we expect the country will be surveyed, and that their removal will be unnecessary, unless they are settled upon tracts which may be located by the Creeks for their own use. The marshal of Alabama has been instructed to carry into effect the provisions of the treaty, respecting the removal of intruders. This duty devolves upon him by law, and cannot be executed by another.

Very respectfully, &c.,

LEWIS CASS.

To the Hon. GEORGE McDUFFIE,

Member of Congress, Philadelphia.

WAR DEPARTMENT,

Office Indian Affairs, April 6, 1832.

GENTLEMEN: The four statements showing the names of the Cherokee emigrants from the east to the west of the Mississippi, who have abandoned their improvements, forwarded by you under date of 24th March last, have been received at this office.

I am, respectfully, &c.,

ELBERT HERRING.

To Col. J. M. C. MONTGOMERY and
J. M. SCUDDER.

WAR DEPARTMENT, *April 9, 1832.*

SIR: Your letter of the 5th instant, in relation to reservations of Choctaw lands in favor of Amelia and Letha Trahern, has been received; and, in answer, I have the honor to enclose a report of the officer in charge of the Indian bureau, which furnishes the information requested.

Very respectfully, &c.,

LEWIS CASS.

Hon. F. E. PLUMMER,

House Representatives United States.

WAR DEPARTMENT,
Office Indian Affairs, April, 7, 1832.

SIR: In reply to the inquiry of the honorable F. E. Plummer, I have the honor to state, that the register of the names of orphan Choctaw children, to be provided for by the Choctaw treaty of 1830, transmitted to the department by the Choctaw agent, Colonel William Ward, contains the name of Letha Trahern, but does not contain the name of Amelia Trahern.

I have the honor to be, &c.,

ELBERT HERRING.

Hon. LEWIS CASS,
Secretary of War

WAR DEPARTMENT,
Office Indian Affairs, April 9, 1832.

SIR: I have received your letter of the 1st instant, enclosing a certificate of inspection of one hundred and sixty rifles, which number completes Mr. Tryon's contract.

Your suggestion for improvement in rifles hereafter to be made for the Indians, will receive the consideration of the department.

Very respectfully, &c.,

ELBERT HERRING.

Lieut. DANIEL TYLER,
Philadelphia.

WAR, DEPARTMENT April 11, 1832.

MY FRIEND: The President has received your letter to him of December 1, 1831, and he has referred to this department the subjects embraced in it. I have communicated freely with your deputation, and the result I am now to state to you.

1 and 2. In answer to these inquiries, which relate to the future payment of annuities, and to an extension to all your people, of any privileges hereafter to be secured to any part of them, I enclose a copy of a letter I have this day written to two of your brethren, from Tennessee, now here, by which you will not only learn the wishes and views of the Government in relation to all the Cherokees west of the Mississippi, but you will also find that your requests above referred to have been granted.

3. You ask also the payment of the improvements you abandoned in Arkansas, under the treaty of 1828, and also the erection of the saw and grist mill, and the application of the school fund, promised by that treaty; and that for the purchase of a printing press.

The Government is now paying for your improvements, as fast as the drafts and certificates of the agent come in; and this will be continued till the whole is completed.

Instructions have been given for the re-sale of the agency reservation, and for the application, agreeably to the treaty, of the proceeds, to the erection of the saw and grist mill. The late agent neglected his duty upon this subject. The department will endeavor to prevent such neglect hereafter.

The school fund is ready, and shall be applied agreeably to your wishes. The amount required for the printing press is also ready, and shall be expended upon that object.

4. You ask for the payment of losses you have sustained from our citizens.

The agent will be instructed to point out to you the mode in which the evidence to support such claims must be taken, and the process to be adopted. He will also be directed to aid you in the matter, and to explain to you those cases for which the existing laws provide relief. In other cases, demanding equitable remuneration, you must resort, like our citizens, generally, to Congress, and the agent will always prepare your papers for you, and transmit them.

5. I do not see that we can do any thing for you respecting the Osage reservations. The Government cannot divest these grantees of their rights. You hold your lands subject to these prior claims. The quantity is of very little consequence, and as you seem to fear that these reservations will fall into the hands of white men, who, by residing on them, will injure your people, I will inform you that no white man has a right to live upon them. The grantees cannot sell, nor place white persons upon them; and the agent will be directed to remove all such persons from these reservations, if there are any upon them.

I have thus, by the direction of the President, answered your inquiries, and I hope satisfactorily.

Wishing you and your people prosperity,

I am your friend,

LEWIS CASS.

To Mr. JOHN JOLLY, *Prin. Chief of the western Cherokees,*
At Brown's hotel, Washington City.

WAR DEPARTMENT,

Office Indian Affairs, April 11, 1832.

SIR: The 4th article of the treaty made with the Cherokees in Arkansas, in 1828, provides for the sale of the agency, and the property and improvements connected with it, under the direction of the agent.

The provisions of this article, the late agent, E. W. Duval, was directed to carry into effect, not only in the sale of the property, but in the appropriation of the proceeds. The instructions thus given, not having been complied with, you are hereby directed to have the land surveyed and subdivided into sections or half sections as you may think best, to advertise the sale, for at least two months, in the Arkansas Gazette, or some other newspaper in the Territory, and sell the same at auction, to the highest bidder, for one half cash, and the balance in twelve months.

You will also immediately after the sale, advertise for proposals to build a good and substantial saw and grist mill, upon such site as the Indians may select; and when you have contracted for the erection of the mills, proceed immediately to the execution of the contract, provided, however, that the cost, including *all* expenses, does not *exceed* the amount of sales.

In the sale of the land, and the erection of the mills, the department expects you to take *all* the responsibility; and confidently anticipates a faithful execution of the trust. You will, therefore, be governed by the *letter*, as well as spirit, of these instructions. When the whole of the purchase money is paid, a title will be given for the land.

Report to the department the amount of sales, names of purchasers, and the sum contracted to be paid for building the mills.

Very respectfully, &c.,

ELBERT HERRING.

Capt. GEO. VASHON, *Indian Agent, &c.*

WAR DEPARTMENT, *April 12, 1832.*

MY FRIENDS: I enclose under cover to you, a letter for your principal chief, which contains answers to the various propositions submitted by you and himself, for the consideration of the President.

Your friend,

LEWIS CASS.

To Messrs. ALEX. SANDERS,

RAIN CROW,

JAMES STARR,

JOHN DREW,

ANDREW M. VANN, and

JOHN WALKER, jr.,

Western Cherokee Delegation.

WAR DEPARTMENT, *April 12, 1832.*

MY FRIENDS: I have received your letter of the 4th ultimo, and now proceed to communicate to you the views of the President upon the various subjects you have submitted for consideration.

And, 1st. With respect to the extension of the territory west of the Mississippi, which has been granted to your people.

The Government is not possessed of sufficient information to enable it to act definitively upon this matter at present. The topography of that region is imperfectly known, and there is some difficulty in the adjustment of the boundaries between yourselves and the Creeks. Every thing connected with this subject can be better examined and considered there; and, with this view, the President has submitted to Congress the expediency of authorizing the appointment of three commissioners, who can repair to that country and explore it; and who, after an examination of its fertility and extent, and of the numbers and claims of yourselves and the Creeks, can report to the Government a plan for your final location, which will be just and satisfactory. The President has not the slightest wish to restrict you to too narrow limits. The region assigned for the permanent residence of the Indians is abundantly extensive for all the objects of present and future support, and it is applicable to no other purpose. Of course, it will be divided among all equitably, and as soon as the information, in the possession of the Government, will render it proper to execute this duty, you may rely upon justice being done to your wants and claims.

2. You ask to be allowed to elect a delegate to Congress, and for a stipulation that you shall be eventually admitted into the Union.

The President considers these matters without the proper sphere of Indian negotiation, and such as should be determined only by Congress. The treaty of Hopewell gave you a deputy to Congress, not a delegate. The members of that body were then termed delegates, and represented the States

in their sovereign capacities. The deputy allowed to your people had no right to a seat in Congress. He was merely the agent of the Cherokees, to serve as a medium of communication between your tribe and the United States. Congress then exercised executive as well as the legislative functions; and, therefore, this agent was sent to them. Such a deputy the President is now willing to allow you, if you desire it, who can reside at the seat of Government, and be paid by the United States, and communicate the claims and wishes of your people.

The President is willing to make the same provision on this subject as was made in the Choctaw treaty; that is, to recommend the matter by stipulation to the consideration of Congress; and this is as far as he is prepared to go.

Your eventual political condition is an object of great concern to the American people. We offer you, west of the Mississippi, all the rights of self-government, with the exception of such a general supervisory authority, as is essential to your protection, and to the preservation of the new relations which are to spring up between you and us. What we are further to do must depend upon your increase in numbers, and upon your advancement in improvement and intelligence. Great solicitude is every where felt for your permanent establishment; and, before long, all the questions connected with it will, no doubt, be taken up and determined. This can better be done after you have all reached the country assigned to you; and when your numbers, situation, and location, and all the circumstances of your condition, can be ascertained and considered; till then you may safely leave it, in the assurance that the difficulties which have heretofore existed in your intercourse with us being removed, all the arrangements for the future will be made in a spirit of friendship and liberality.

3. You inquire whether the Government will treat separately with the bands of your people occupying different districts?

To this, I answer, that we should prefer making an arrangement with all your people, on the east side of the Mississippi, for their removal to the west. An arrangement could be much more satisfactorily made in this than in the former mode. Acting together, you would, by mutual explanations, come to a general understanding, and procure such stipulations as would be satisfactory to your people; but treating separately, there will be discordant views and interests, and the less chance of that amicable feeling among yourselves which we are so desirous of inculcating. Still, however, as the President believes that removal is essential to your prosperity, if not to your existence, he is unwilling that one portion of your people should suffer by the unfortunate course of another. If, therefore, all the Cherokees east of the Mississippi are not prepared to enter into an arrangement upon this subject, the President is willing to treat separately with the bands living within the States of Georgia, Alabama, Tennessee, and North Carolina; considering it but equitable that the disposition of the possessory right of the Indians to these lands, should be made by those who are in the actual occupation of such lands. It has been the practice of the Government, in other instances, to recognize this right, as existing in those who occupy different districts, and to consider them as separate bands for this purpose. There can be no injustice in the procedure, for it ensures to all the protection of their property; and that they will not be deprived of it without their own consent, or the consent of those who have a right to represent them.

But this arrangement can only be made with the approbation of a majori-

ty of these divisions. If, on your return, there should be no prospect of a general contract with your tribe; and if a majority of the people, in either of the districts I have mentioned, should incline to treat separately, the Government will, on being satisfied of this fact, appoint persons to meet you in council to conclude an arrangement, or will receive and treat with your agents at this place.

In this arrangement you ask that provision for the following objects may be made:

1. Payment for stock.
2. Payment for your improvements, one-half before emigration, and one-half after you have reached your new country.
3. Transportation.
4. Subsistence for a year.
5. An annuity.
6. A patent for the lands west of the Mississippi.

All these provisions being such, in their general outline, as have heretofore been made, will be admitted under such limitations, and with such modifications, as circumstances may require.

4. You request that the annuity heretofore paid to your people should be hereafter equitably divided among those who may remain, and those who may remove.

To this the President sees no just objection. Agreeably to the present mode of distribution, all Indian annuities are to be divided among the individuals of the tribe. Each is considered to have an interest in this fund, which ought to be separately paid to them. This mode of payment has always prevailed among the northwestern tribes; and liable as the Indians are to be imposed upon, it is obviously more just than to leave the distribution to those who have an interest in abusing the trust. By the treaties of 1817 and 1819, the principle of a distribution, in proportion to numbers, between the eastern and western Cherokees was adopted; and by the latter, this proportion was fixed at one-third for the western, and two-thirds for the eastern Cherokees. Since this, the proportion of numbers has varied, and promises yet more rapidly to vary; and justice requires that the annuity should vary with it. The President will, therefore, cause this subject again to be examined; and will adopt, as a principle, that this annuity shall be paid east and west in proportion to numbers. We have already done this with respect to the Shawnees; and a just regard, on the part of your people, to the rights of the whole, should prevent any objections to an arrangement which will merely operate to preserve to your own brethren their fair proportion of a fund acquired by all, and destined for the use of all, on removing from one division of your tribe to another.

5. You ask, also, that the same advantages which may be eventually secured to one portion of your people, shall be secured to others, who may emigrate prior to any final arrangement of the whole matter.

To this the President sees no good objection; and he is willing to say to you, that such advantages as may be ultimately given to any part of your people, shall be also extended to those who may emigrate after this period, and before the final arrangement is made. But, in doing this, a just regard will be had to whatever may have been previously done for such emigrating party, and the advantages secured to them will be taken into full consideration. It will, therefore, be a participation in political privileges to which they will be entitled, and an equitable participation in the difference between

the other interests secured to these parties; and these interests must be of a general nature, and will not embrace particular reservations which may be made.

6. You request that a deputation of the western Cherokees be permitted to attend your councils. To this the President can see no objection, and I am directed to signify his assent to the proposition.

I trust the foregoing answer will be satisfactory to yourselves and your people; and I hope they will lead to the desired result.

Your friend,

LEWIS CASS.

To Messrs. WALKER and STARR, *of the eastern Cherokees,*
At Brown's Hotel, Washington.

WAR DEPARTMENT,

Office Indian Affairs, April 12, 1832.

GENTLEMEN: I have the honor to acknowledge the receipt of your communication of the 11th instant, to the Secretary of War.

I am instructed to state, in reply, that powerful considerations induce the President to prefer treating with the entire nation of the Cherokees, as a measure most likely to result satisfactorily to them and to the Government. He, therefore, declines entering into any separate arrangement with the Cherokees in the different States, at present, to induce them to emigrate to the west of the Mississippi.

I am, respectfully, &c.,

ELBERT HERRING.

To Major ALEXANDER SANDERS, and OTHERS,
Of the Cherokee Delegation west.

WAR DEPARTMENT, *April 13, 1832.*

GENTLEMEN: In answer to your letter of the 24th instant, I enclose a copy of so much of a letter addressed to Messrs. Walker and Starr, Cherokees, from Tennessee, now here, as relates to the future division of the annuity to your people. Messrs. Walker and Starr having made application to this department, as is stated in your letter, for information upon this subject, the accompanying answer was given.

Very respectfully, &c.,

LEWIS CASS.

To Messrs. JOHN MARTIN,
JOHN RIDGE, and
W. S. COODEY.

WAR DEPARTMENT,

Office Indian Affairs, April 14, 1832.

SIR: Your letter of the 31st ultimo, has been received; and, in answer thereto, I am instructed by the Secretary of War to say, that as the further emigration of the Cherokees is suspended until fall, a plan of future opera-

tions will, in the interim, be prepared and transmitted for your Government; and, among other subjects, that of the transportation of baggage will be determined upon.

In the case of the Harnages, I am also instructed to say, that the amount of certificates of valuation for the property purchased by them, will be paid to the legal holders of said certificates, upon the arrival of the Harnages, and the individuals from whom they purchased at their new homes.

Respectfully, &c.,

ELBERT HERRING.

TO BENJAMIN F. CURREY, Esq.,

Superintendent emigration, &c.

WAR DEPARTMENT,

Office Indian Affairs, April 14, 1832.

SIR: Your letter of the 31st ultimo, has been received, and Major Currey informed that the amount of certificates of valuation for the property purchased by the Harnages will be paid to the legal holders of said certificates, upon the arrival of themselves, and the individuals from whom they purchased at their new homes.

Very respectfully, &c.,

ELBERT HERRING.

Mr. WILLIAM HARDIN,

Cherokee Co., Geo.

WAR DEPARTMENT, *April 14, 1832.*

DEAR SIR: I take the liberty of enclosing to your care, an answer to the memorial of the Creek chiefs west of the Mississippi, with a request that you would be good enough to forward it to them.

Very respectfully,

I am, sir, &c.,

LEWIS CASS.

To the Hon. GEORGE M. TROUP,

U. S. Senate.

WAR DEPARTMENT, *April 14, 1832.*

MY FRIENDS: I have been directed by your father, the President of the United States, to acknowledge the receipt of your letter to him of the 21st October, 1831, presented to him by your friend, Governor Troup, and also of your memorial of October 21, 1831, respecting your apprehensions from the Indians who occupy the country west of you.

The President is not unmindful of your situation, nor of what is due from the United States to you. He looks with much anxiety to a final adjustment of all the questions connected with your permanent establishment and improvement; and will, so far as the means are within his power, contribute to this desirable result.

The President is well aware of the difficulties which exist on the subject of the boundaries between yourselves and the Cherokees; and with a view to the satisfactory and final settlement, he has recommended to Congress to make provision for the appointment of three commissioners, men of high character and integrity, who will visit the region assigned for your residence,

and examine the whole matter connected with your location, and with the conflicting claims of yourselves and the Cherokees. After their report is received, the President will be able to adjust this subject equitably.

Congress have not yet decided whether they will authorize the measure proposed; and this is the reason why an earlier answer has not been given to your application. So much time however has elapsed, that I have thought it better to let you know the present situation of the affair, lest you might suppose that your just representations were neglected. I trust the President will be enabled to carry the proposed plan into effect, and thus to terminate the whole affair.

There is also pending before Congress, a bill providing for mounting a part of the army. Should this bill pass, measures will be immediately taken to digest a plan for affording to all the emigrating Indians, that protection they have a right to expect from the Government, and for suppressing any disposition which may appear among the others to commit hostilities.

I am happy to assure you, that your condition and prospects excite much solicitude in the mind of the President, and that all your representations will be favorably regarded, as far as circumstances will justly permit.

Your friend,

LEWIS CASS.

To the CREEK CHIEFS,
West of the Mississippi.

WAR DEPARTMENT, *April 16, 1832.*

GENTLEMEN: I should be glad to see and converse with you at my quarters this afternoon, at 4 o'clock.

Very respectfully, &c.,

LEWIS CASS.

To Messrs. RIDGE, MARTIN, and COODEY.

WAR DEPARTMENT, *April 16, 1832.*

SIR: I have just received your letter of yesterday, with its enclosures, and while I state to you, in answer, that the President never contemplated the cession of one foot of the Territory of Arkansas to any tribe of Indians, and never supposed, for a moment, that he had any authority to make such a cession, you will allow me to express my surprise that a rumor so extravagant in itself could have given any uneasiness to the intelligent citizens of that Territory, or could have so far gained credence with you as to call for the warm expressions you have used; expressions not out of place, if there had been any ground for the rumor, but certainly not necessary till its truth was ascertained.

The surveys to which you allude, not being under the control of this department, I cannot tell why they have been stopped. The circumstances can be, doubtless, satisfactorily explained at the Treasury Department.

I return the letters you forwarded to me.

Very respectfully, &c.,

LEWIS CASS.

Hon. A. H. SEVIER, *H. R. U. S.*

WAR DEPARTMENT, *April 17, 1832.*

MY FRIENDS: Your great father, the President of the United States, has recently been informed that a change has probably taken place in the sentiments you have heretofore entertained on the subject of a removal to the country west of the Mississippi; and that propositions from the Government, having that object in view, would be favorably received by you.

Satisfied, as the President is, that this measure can alone secure to you permanent prosperity, and lay the solid foundations of your future improvement and civilization, and prepared, as he has always been, to make you offers which shall be not only just, but liberal, he has instructed me to address you upon the subject, and to make known to you the stipulations he is willing to grant, so far as his authority extends. I have, therefore, to request that you will take the matter into your serious consideration, and communicate to me your ultimate decision.

The President is willing to enter into an arrangement for your removal west of the Mississippi, upon the following general principles:

1. That a country, sufficiently extensive and fertile, shall be distinctly marked out west of the Territory of Arkansas, for you and your brethren, where they now are.

2. That this country shall be conveyed to you by patents, under the provisions of the act of Congress of May 28, 1830; and that it shall be for ever without the boundaries of any State or Territory.

3. That you shall have all the powers of self-government, so far as may be compatible with that general supervisory authority which it is necessary Congress should exercise over you.

4. That you shall have the privilege of appointing an agent, who shall reside at Washington, to communicate to the Government your claims and wishes, and who shall be paid by the United States.

5. That, if Congress assents to the measure, you shall be allowed a delegate to that body; and shall, also, when your improvement and other circumstances will permit, and when Congress think proper, be placed in the relation of a Territory.

6. That all white persons, unless specially authorized by the laws of the United States, shall be excluded from your country:

7. That you shall remove to your new country at the expense of the United States, in either of the following modes you may prefer.

1. By a commutation, to be allowed to individuals or families.

2. By persons to be appointed and paid by the United States.

3. By an arrangement, to be made among yourselves, by which some of those who are competent to the undertaking, may remove all your people at a rate to be fixed.

8. That subsistence shall be provided by the United States, for the term of one year, after you reach your destination.

9. That an annuity, proportioned to the value of the cession you may make, be secured to you.

10. That all the improvements upon the ceded territory, which add real value to the land, be appraised and paid for.

11. That ample provision be made for the support of schools and teachers, and of blacksmiths, &c., for the supply of steel and iron, and for the erection of mills, school-houses, churches, council-houses, and houses for a few of your principal chiefs.

12. That a rifle and equipments be given to each male adult; that a quan-

tity of blankets be allowed to your families, together with axes, ploughs, hoes, wheels, cards, and looms.

13. That your stock be valued, and paid for by the United States.

14. That the annuities due to you, by former treaties, be paid to you west of the Mississippi.

15. That provision be made for your orphan children.

16. That protection be guarantied to you against hostile efforts of any other Indians.

17. It is the wish of the President that all your people should remove, and he is therefore unwilling that any reservations of land should be made in the ceded territory. Still, he would not make this an indispensable condition, but would agree, should it be found necessary, that reservations should be made for a few of your people, in situations, and under circumstances rendering such a measure proper, and within the scope of his legal authority. But your people must distinctly understand, that those who remain will become citizens of the State in which they may reside; and that all the relations between them and the United States, founded upon their previous circumstances as Indians, must cease.

These are the general terms I have been directed by the President to offer you. They form the outline of an arrangement, which can be filled up when you are prepared to enter into a negotiation. The details, and any other stipulation you may ask, will more properly be discussed and determined, when your views of the matter are known, and the ultimate mode of proceeding adopted.

If you are prepared to assume these propositions as the basis of a negotiation, you can appoint your agents to come on to this place, clothed with authority to act, or the President will appoint commissioners to meet you in council, and to conclude the affair.

I cannot but hope that you will see, in this frank and liberal offer, full evidence of the desire of the President, that the difficulties of your present situation may be removed, and your future destiny placed beyond the reach of those causes which have occasioned such misery to the Indian race.

Shut your ears, I entreat you, to bad counsels, if any such should be offered to you. Whatever may be told you, it is impossible you can remain where you now are, and prosper; and if you persist in the effort, the time of regret will come; but will come, I am afraid, after the most serious injury to yourselves.

Your friend,

LEWIS CASS.

To the CHEROKEES, *east of the Mississippi.*

[This letter, though dated the 17th, was not delivered to Mr. Chester, the agent appointed to present it to the Cherokees, until the 11th May, at which time his instructions (page 824,) were dated.]

WAR DEPARTMENT, *April 20, 1832.*

GENTLEMEN: I have just received your letter of this date, and would observe, in reply, that the opinion of the agent having been requested on the subject of ordering a detachment into Tennessee, for the protection of the emigrating Indians, I think it will be best to await his answer, before the department comes to a decision upon that subject.

No propositions have yet been made to the eastern Cherokees.

Very respectfully, &c.,

LEWIS CASS.

To Messrs. JOHN WALKER, jr., and JAMES STARR,

Washington.

WAR DEPARTMENT,

Office Indian Affairs, April 23, 1832.

SIR: The five hundred ploughs, made by Mr. Dixon, for the Choctaw Indians, reported in your letter of the 9th instant as being now ready for shipment, I request you will have shipped, directed to Major F. W. Armstrong, agent for the Choctaws west, at Fort Smith, Arkansas, as soon as they can be got off.

Very respectfully, &c.,

ELBERT HERRING.

To Major R. L. BAKER.

WAR DEPARTMENT,

Office Indian Affairs, April 23, 1832.

SIR: The remaining five hundred ploughs, for the emigrant Choctaws, have been ordered to be shipped to your address, at Fort Smith; which will be done accordingly, by Major Baker, of Pittsburgh.

Very respectfully, &c.,

ELBERT HERRING.

To Major F. W. ARMSTRONG,

Agent for Choctaws west, Fort Smith, Arkansas.

WAR DEPARTMENT,

Office Indian Affairs, April 25, 1832.

SIR: I have the honor to acknowledge the receipt of your communication of the 14th instant, to the President of the United States, relative to a claim of compensation for the services of your father, under an appointment from the department.

I am instructed, by the Secretary of War, to state, that after a full consideration of the circumstances of the case, and with all possible inclination to make as liberal an allowance as he feels authorized to do, the sum of one hundred and fifty dollars will be paid as a compensation for the services of your father, under the said appointment.

That sum will be paid on your forwarding to the department the receipt of the administratrix in full of the claim.

With great respect, &c.,

ELBERT HERRING.

To GEORGE S. DOUGLASS, Esq.

WAR DEPARTMENT, *April 26, 1832.*

SIR: I have received your letters of the 21st and 25th instant, with their enclosures.

I coincide with you fully in your opinion of the importance of a speedy and amicable adjustment of the Cherokee difficulty; and no effort on my part shall be spared to effect this desirable object.

It has been thought best, before commissioners were appointed, or a formal negotiation opened, to submit to the Cherokees the propositions I had the honor to read to you, as the outline of an arrangement to be hereafter filled up. As the Cherokee delegation now here has declined to bear these proposals to their people, they will be sent by a special messenger. He will be instructed to procure from them an answer, either in the affirmative or negative. If in the negative, of course there will be an end, for the present, of any further course of proceedings. If in the affirmative, the appointment of commissioners will then come up for consideration; and I shall not fail, in that case, to lay before the President the views and opinions you have expressed in relation to Judge McLean.

The answer of the Cherokees to your letter, is truly characteristic of Indian caution.

Very respectfully, &c.,
LEWIS CASS.

Hon. DANIEL NEWNAN, *House of Representatives.*

WAR DEPARTMENT,

Office Indian Affairs, April 30, 1832.

SIR: I have the honor to acknowledge the receipt of your communication, of the 15th ultimo, to the Secretary of War.

By the enclosed statement, you will perceive the amount due to the Quapaws for their annuity. The two \$500 checks that were in Gov. Izard's hands have not been paid, never having been presented for payment.

You will recollect that, in a former letter, of the 30th of January last, I informed you that the Government was dissatisfied with the return of the Quapaws from the Caddo country, allotted for their residence, and to which they had been removed; and that in consequence of such unauthorized return, their annuity would be withheld.

It is contemplated to appoint a commission for the arrangement of all Indian matters west of the Mississippi; and the future location of the Quapaws will be selected and determined by them. In the interim, the payment of their annuity will be suspended. If such contemplated appointment should not be made, a portion of their annuity will be forwarded to you after the passage of the appropriation bill.

I have the honor to be, &c.,

ELBERT HERRING.

His Excellency JOHN POPE,
Governor of Ark. Territory.

WAR DEPARTMENT,

Office Indian Affairs, May 1, 1832.

GENTLEMEN: I have the honor to acknowledge the receipt of your communication of the 23d ult., to the Secretary of War.

Agreeably to your request, Daniel G. Garnsey, esq., has been appointed a commissioner, on the part of the United States, to attend at the contemplated treaty with the Seneca Indians, for the sale of a portion of their unoccupied lands in the State of New York.

You will therefore be pleased to communicate with Mr. Garnsey in relation to the proposed treaty.

I have the honor to be, &c.,

ELBERT HERRING.

To T. L. OGDEN, and C. G. TROUP, Esqs.

WAR DEPARTMENT,
Office Indian Affairs, May 1, 1832.

SIR: After the receipt of this letter, whatever supplies may be necessary for the Senecas under your care, and which may not already have been provided, will be furnished by Captain Jacob Brown, of the United States army, residing at Little Rock. If any supplies should be required for them, you will be pleased to address Captain Brown on the subject, and inform him of the necessary quantity, the time when, and place where, to be delivered.

With great respect, &c.,
ELBERT HERRING.

To H. C. BRISH, Esq.

WAR DEPARTMENT,
Office Indian Affairs, May 1, 1832.

SIR: Will you have the kindness to inform the department what assistance has been rendered by you to the Seneca Indians, under the instructions heretofore given?

Captain Jacob Brown, of the United States army, residing at Little Rock, will furnish whatever future supplies may be necessary for the Senecas, unless such arrangement should interfere with any contract you may have made for that purpose; in which event you will be pleased to give notice of such contract, as well to Captain Brown as to the department.

With great respect, &c.,
ELBERT HERRING.

To General WILLIAM CLARK,
Sup't Indian Affairs, &c.

WAR DEPARTMENT,
Office Indian Affairs, May 2, 1832.

BROTHER: The letter written by you to your great father, the President of the United States, has been received.

On the 24th of March last, I wrote to you the opinion of the department on the subject of the reservations, and the additional salary.

Your friend, Major Armstrong, who is now here, will, on his return, inform you of the views of the Government upon the other subjects contained in your letter. It would require many words on paper to explain the matter of the annuity; and before he comes to you, nothing could be done with regard to the road, and the delivery of the guns and powder.

Your friend and brother,
ELBERT HERRING.

To MUSHULATUBBE, Choctaw Chief.

WAR DEPARTMENT,
Office Indian Affairs, May 3, 1832.

SIR: Your letter of the 18th of April has been received, and in answer, I am instructed by the Secretary of War to say, that the letter of the 26th of October, 1831, from the War Department, expressly directed the valua-

tion of the cattle to be made only when a party of the Choctaws were ready to remove. You will therefore not proceed in your valuation until further advised by the department. When the period arrives for removing the Indians, you will receive specific instructions, as to the valuation and sale of the cattle, and the disposition to be made of the proceeds. Until thus advised, you will take no further steps in the business.

With great respect, &c.,

ELBERT HERRING.

To JOHN W. BYRN, Esq.

WAR DEPARTMENT,

Office Indian Affairs, May 3, 1832.

SIR: In your letter of the 9th December last, to the Secretary of War, you observe, "that your sales of Choctaw cattle amounted to \$1,365 75, which sum you held subject to his order."

I am instructed by the Secretary of War to desire you to deposite, forthwith, the whole amount in your hands, to the credit of the Treasurer of the United States, in either of the branches of the United States Bank; or, if more convenient, in some bank authorized to receive depositories of public money.

You will be pleased to obtain a certificate of the deposite, and transmit it to the department without loss of time.

With much respect, &c.,

ELBERT HERRING.

To WILLIAM DOWSING, Esq.

WAR DEPARTMENT, *May 4, 1832.*

SIR: In answer to your note of yesterday, I have to observe, that, in conversation with Major Armstrong, agent for the Choctaws, upon the subject of furnishing ploughs and looms, he suggested the propriety of not making any contract for the supply of these articles, until the Indians were ready to receive them; and that it would be to the interest of both the Indians and the Government, to have the articles made in the nation, under the direction of the agent. The department coinciding with Major Armstrong in opinion, nothing further will be done for the present.

Very respectfully, &c.,

LEWIS CASS.

Hon. R. M. JOHNSON,

House Representatives United States.

WAR DEPARTMENT,

Office Indian Affairs, May 8, 1832.

SIR: Your letter of the 13th is received. A system of operations, applicable to the removal of all the Indian tribes, has recently been prepared; and, in conformity with it, a superintendent will soon be appointed, to whom every thing connected with the emigration of the Choctaws will be committed.

You will, therefore, take no further measures in relation to the granting of certificates for the cost of removal, or the valuation and sale of the cattle, until you receive specific directions.

Colonel Byrn has been instructed not to proceed in the sale of cattle; should any part of them have been sold before he receives the order, the person left in charge of the agency, by Colonel Ward, will place the proceeds in some secure place, and hold them subject to the order of the department.

Respectfully, &c.,

ELBERT HERRING.

To Mr. STEPHEN WARD.

WAR DEPARTMENT, *May 9, 1832.*

SIR: I have just received your letter of the the 27th ultimo. The publication of the notice was proper, and if the circulation of the paper which contains it is not sufficiently extensive, in the ceded country, for the purposes of general information, you will give such further publicity to it as you may think necessary.

The President still trusts that all those persons whose cases are not embraced in the treaty, will peaceably and freely remove; but should it be otherwise, it will only remain for you to execute the laws and your instructions, with as little injury to the parties as possible.

The Government have contracted solemn obligations with the Creeks, and have received a valuable consideration; and every principle of justice and good faith requires that our part of the compact should be executed.

I am anxious you should commence your measures in season, to prevent the Creeks from being disturbed in raising their crops.

Your reasonable charges will be paid by the department.

Duplicates of this letter are sent, one to Montgomery, and the other to Mobile.

Very respectfully,

Your obedient servant,

LEWIS CASS.

To ROBERT L. CRAWFORD, Esq.,

Marshal Southern District, Alabama.

WAR DEPARTMENT,

Office Indian Affairs, May 9, 1832.

SIR: Upon the estimates submitted by you, in your letter of April 21st, of the amounts due to emigrants at the eastern and western agencies, the department has decided to remit to Colonel Montgomery \$21,400, and to Captain Vashon \$34,500, the moment an appropriation is made by Congress.

Not knowing at what point you may be, a copy of this letter is forwarded to the care of the agent west.

Very respectfully, &c.,

ELBERT HERRING.

To Major BENJAMIN F. CURREY.

WAR DEPARTMENT,
Office Indian Affairs, May 9, 1832.

SIR: Major Currey having reported to the department that \$21,400 are required to pay the debts of emigrants, assumed by the Government, I am instructed to inform you that that sum will be remitted to you so soon as the bill is passed in which the estimates for these expenses are included.

I enclose a letter for Major Currey, which you will please to deliver.

Very respectfully, &c.,

ELBERT HERRING.

To Col. HUGH MONTGOMERY,
Cherokee Agent, &c.

WAR DEPARTMENT,
Office Indian Affairs, May 9, 1832.

SIR: The department having been notified by Major Currey, the superintendent of emigration, that \$29,400 are required to pay what is now due at your agency, for abandoned improvements, besides the bonus of ten dollars per head, amounting to about five thousand dollars, I am instructed to say, that the above sums will be remitted to you so soon as the appropriation is made by Congress; for which an estimate was sent in some weeks since.

The enclosed letter will be delivered by you to Major Currey.

Very respectfully, &c.,

ELBERT HERRING.

Capt. GEORGE VASHON, Indian Agent, &c.

WAR DEPARTMENT, May 9, 1832.

SIR: In consequence of the Cherokee delegation having declined to bear the proposals of the Government to their people, I had made other arrangements for the performance of that duty. It is possible, however, I may be disappointed; and, should I be, and the fact ascertained before Tuesday next, I will communicate with you upon the subject, and embrace the offer now made.

Very respectfully, &c.,

LEWIS CASS.

Hon. DANIEL NEWNAN.

WAR DEPARTMENT,
Office Indian Affairs, May 10, 1832.

GENTLEMEN: To enable the department to decide in what manner the blankets required for the several Indian tribes should be purchased, you will please to communicate, by return mail, the exact weight of the Mackinac blanket; selecting, for the purpose of ensuring correctness, one of the heaviest, one of the lightest, and one of the medium weight, of the 2½, the 3, and the 3½ points, and stating the weight and the price of each, separately.

Very respectfully, &c.,

ELBERT HERRING.

To Messrs. SUYDAM, JACKSON & Co., New York.

WAR DEPARTMENT, *May 11, 1832.*

SIR: As you have expressed your willingness to take to the Cherokees, east of the Mississippi, the communication from the Government, containing the propositions to them, which are offered as the basis of a negotiation for their removal, the President requests that you would proceed to the execution of this duty without delay.

The letter is left unsealed, that you may fully ascertain the objects of the Government, and the inducements held out to the Indians. You will please to repair to their country, and use your efforts to have them assembled together. You will deliver the communication to any person authorized by them to receive it, and will endeavor to procure an answer as speedily as may be. This you will transmit to the department, together with a report of your proceedings, and such explanations and observations as the circumstances may call for, and as may be useful to the Government, in the further prosecution of this affair.

Very respectfully, &c.,

To E. W. CHESTER, Esq.

LEWIS CASS.

WAR DEPARTMENT, *May 14, 1832.*

SIR: You are hereby appointed, in conjunction with Major Benjamin S. Parsons, to take the census of the principal chiefs and of the heads of families, under the treaty concluded with the Creek Indians, at the city of Washington, March 24th, 1832.

In the execution of this duty, you will first have an interview with Major Parsons, and divide between you the Creek country, in such a manner that you can both proceed to your business at the same time, and yet run no risk of omitting any persons entitled to reservations, or of enumerating such persons as are entitled, more than once.

You will consider as heads of families the following persons:

Every man who is married.

Every unmarried man, and every unmarried woman, who actually keeps a separate establishment, and has inmates over whom such persons exercise control.

I send the form of a census roll, which will guide you in your duty. You will recognize and enumerate, as principal chiefs, those who are so declared by the authorities of the tribes; and you will enumerate, by name, all such, and all the heads of families; entering, in separate columns, agreeably to the form, the number of persons in such families, and distinguishing the males from the females.

You will be allowed five dollars per day, while executing this duty, to include all your expenses, and to be computed from the day you leave home to commence the work. Your account will be paid upon your certificate, on oath, as to the number of days engaged.

When you have finished your rolls, you will meet together and compare them, in order to ascertain whether the same persons are twice enumerated; and, if they are, to correct the error.

Should you, at any time, find it necessary, you can employ an interpreter, and pay him at the rate of two dollars per day for his services.

Very respectfully, &c.,

LEWIS CASS.

Col. WM. R. PICKETT, *Alabama.*

[A similar letter to Major BENJ. S. PARSONS, *Alabama.*]

WAR DEPARTMENT, May 15, 1832.

Regulations concerning the removal of the Indians.

The experience of the past year in the business of removing the Indians, a constant observation of the accounts and reports of the various persons employed, and a consideration of the information which has reached the department from other quarters, have led to the conviction that a more systematic plan of operations is essential to the economy and to the satisfactory progress of their movements. With this view, the following regulations are adopted, and all persons employed in the business of emigration will be held responsible for a faithful observance of them.

I.

Directing Department.

All the subjects connected with the removal of the Indians, whether they relate to subsistence, transportation, payments, or any other matter, will be committed to the Commissary General of Subsistence, who will take the necessary measures to carry into effect the object of the laws and treaties relating to this business, and the instructions of the Government. All communications will be addressed to that office in this form:

“*Emigration of Indians, Commissary General of Subsistence, Washington City.*”

II.

Special Agents.

1. A special agent will be appointed to superintend the removal of each tribe; or of the Indians living within certain specified limits.

2. To the special agent will be committed the general operations, comprehending the duties and conduct of the various persons employed; the preparatory arrangements; the collection of the Indians; the route; the mode of travelling; their movement and subsistence; and generally every thing connected with this object.

3. All persons appointed by the Government, to aid in the business of removal, will report to and receive the instructions of the special agent, and may be suspended by him from employment, for causes appearing to him to be just; but the same shall be immediately forwarded to the War Department, for its consideration and decision.

4. Each special agent shall, immediately upon entering on his duties, or whenever, thereafter, it may become necessary to employ assistants, submit to the War Department the names of the persons proposed to be employed; the nature of the duties to be assigned to them, and the amount of the compensation proposed to be given. No persons will be employed, except temporarily, and from necessity, without the previous sanction of the department.

5. The special agents will communicate to the department every occurrence, the knowledge of which can be useful. They will make weekly reports of their progress and operations; they will certify the quarterly abstracts of the disbursing officers; they will, at least once a quarter, transmit a statement of the names, stations, and employment of the various persons in service, and the business they have performed during the preceding quarter; and they will, from time to time, furnish the disbursing officers with such information as may be necessary to enable the latter to prepare and forward the requisite estimates.

III.

Disbursements.

1. All the disbursements required for the various objects connected with the removal of the Indians, will be made by officers of the army, who will be assigned to that duty, and who will, from time to time, be furnished with funds for that purpose.

2. These officers will carry into effect the instructions of the special agents, so far as the same are in conformity with the general authority given by these regulations, or by special direction from the War Department.

3. Payments for all services, as well as supplies, will be made by these disbursing officers, and duplicate vouchers will, in all cases, be taken, expressing fully the nature of such services and supplies, and whatever may be necessary to enable the accounting officers to judge of the propriety and reasonableness of the charge.

4. The disbursing officers will transmit estimates whenever funds are required, showing, in detail, the application it is intended to make of such funds, together with a statement of the amount, if any on hand, and the payment for which such amount is required. And funds will be furnished, either by remission from the Treasury, or by drafts upon the War Department, as the Commissary General may judge best. But no drafts shall be drawn by any officer, upon the Government, unless previous authority for that purpose has been given.

5. All accounts and vouchers will be transmitted immediately after the close of each quarter, and abstracts of expenditures, showing the application of the funds, will be transmitted at the expiration of every month.

IV.

Transportation.

1. The route and mode of transportation will be determined by the special agent, having a just regard to economy, and the health and comfort of the Indians.

2. When persons or families agree to transport themselves, and are considered capable of doing so, they will be allowed a just commutation therefor, which will be fixed by the Commissary General, on an examination of the probable expense. And, to those emigrating from the chartered limits of Georgia, under the provision of the eighth article of the treaty with the Cherokees of May 6, 1828, the sum of fifty dollars will be paid, in addition, as is provided thereby.

3. The amount necessary to be advanced to such persons, previous to their departure, will be determined by the Commissary General, and will be paid when they are upon the point of commencing their journey.

4. No persons, except those who are too young, or too infirm to travel on foot, will be transported in wagons, or upon horses.

5. The amount of baggage will not exceed 1,500 weight for every fifty persons; nor will any wooden furniture or heavy utensils be carried. The baggage must principally consist of necessary clothing, bedding, &c., light cooking utensils, and a few tools for agricultural and mechanic purposes.

6. The baggage of each detachment will be weighed, and a certificate thereof, signed by some respectable persons employed, will be transmitted with the accounts. The quantity to be carried in each wagon, must, of course, depend upon the judgment of the conductor of the party, who will like-

wise point out the persons whose circumstances require they should ride. Only one wagon shall be allowed to every fifty persons, for the transportation of themselves and baggage.

7. Where the route is by water a contract will be made, if the same can be done upon reasonable terms, for the transportation of each individual, from the place of departure to the place of destination, or for as much thereof as can be effected. If this cannot be done, it will then be proper to charter a boat for the voyage at a fixed rate. And, lastly, should either of the other modes be found unreasonable or impracticable, then a contract may be made for the hire of a boat by the day. But this is considered the least economical plan, and therefore not to be resorted to till the others fail.

8. Should the steamboats, owned by the Government, not be wanted for the improvement of the navigation of the Ohio and Mississippi rivers, and be found suitable for the purpose of transporting the Indians, they will be employed for that object, and the preceding article will in that event be superseded, where these boats may be used.

9. The wagons and teams, now owned by the United States, west of the Mississippi, will be employed in the business of transportation; but no future purchases, for this purpose, will be made. It is better for the Government to hire than to buy the means of transportation. Wagons will hereafter be hired, at a fixed rate, by the hundred, if convenient; and if not, by the job; and where neither of these can be conveniently done, then by the day, with a previous understanding as to the weight and persons to be carried, and the daily distance to be travelled. Where forage can be found by the owners, the contracts will be so made, but where it cannot be, it will be supplied by the United States.

The United States will not be responsible for any accidents.

10. Forage for the teams will be purchased in the manner prescribed for other supplies, and will be issued upon returns, in the mode pointed out for provisions. The quantity will be the same as is directed by the army regulations.

11. Every detachment of Indians shall, if practicable, be conducted by an officer of the army, who will have under him such assistants as the number of the detachment and other circumstances may require, to be appointed as is before provided.

12. Every detachment, previously to their departure, will be mustered, and muster rolls, exhibiting the names of the heads of families, and the numbers and ages of the persons composing the same, distinguishing their sexes; and naming also those individuals, not members of any families, will be made out and certified by the superintendent, upon his personal examination, one of which shall be forwarded to the War Department, and another shall be delivered to the agent taking charge of such detachment west of the Mississippi. And a re-muster shall then take place, and any changes in the detachment shall be accounted for in a column of remarks, a copy of which shall be forwarded to the War Department.

V.

Supplies.

1. It is desirable that all the important supplies should be procured by contracts, upon previous public notice, inviting proposals; and this rule will be adhered to, where there are not strong reasons to the contrary. And where there are, they will be reported to the Commissary General.

2. All contracts, not immediately executed and completed, and exceeding fifty dollars in value, will be in writing, and duplicates thereof will accompany the vouchers. Adequate security for the faithful performance of all contracts, exceeding three hundred dollars in value, will be required.

3. Special instructions will be given by the Commissary General, respecting the provisions required for the subsistence of the Indians, after their arrival in the country west of the Mississippi. These will, in all cases, be procured upon contract, to be based upon proposals previously issued.

4. Blankets, and other articles required by treaty stipulations to be delivered to the Indians, and which can be better procured in the principal commercial cities than in the interior, will be purchased by the Commissary General in the same manner as the army clothing is purchased, and forwarded for delivery to the proper agent. None but the Mackinac blankets, so called, will be procured for the Indians. These are much better suited to their wants and tastes than any others. Three and a half points must weigh ten pounds per pair; three points eight pounds per pair; and two and a half points six and a fourth pounds per pair. One half of any quantity should be three and a half points; one quarter three points; and one quarter two and a half points. Certificates of delivery, witnessed by two creditable persons, will in all cases be required at the Treasury Department.

VI.

Provisions.

1. The ration will consist of one and a quarter pounds of fresh beef or fresh pork, or of three-fourths of a pound of salt pork, and of three-fourths of a quart of corn, or of corn-meal, or of one pound of wheat flour, to each person; and of four quarts of salt for every one hundred persons.

2. Provisions will be issued in steamboats, as frequently as convenient, to prevent their being improvidently used; and by land they will be issued once a week, or oftener, depending upon the situation of the party and upon the facility of reaching points where provisions may be deposited or purchased. On land routes it will be proper to have depots of provisions at reasonable distances, unless where such routes are through the settled country, affording, at all times, and at reasonable prices, adequate supply.

3. These provisions will be procured either by contract, as already provided, or by purchase in open market. Except in a country where supplies are abundant, and while travelling, the former mode is preferable.

4. It is recommended that contracts be previously made for issuing such quantities of provisions as may be wanted, at proper places, during the collection of the Indians, and at suitable points upon the route. The contractors to be at every expense attending the delivery and distribution of the provisions, and the issues to be made under the inspection and direction of the officer having charge of the detachment; and none to be issued which are not examined and approved by him, and weighed or measured in his presence. Under such an arrangement, however, it will be necessary to ascertain, previously to the departure of any detachment, that the necessary provisions are ready; and to provide them otherwise when there is a failure, lest the Indians might suffer where provisions could not be procured.

5. Where provisions are issued by contractors, the issues will be made upon provision returns, to be drawn by the officer having charge of the detachment, which detachment will be divided for their more convenient receipt, as he may think proper. He will abstract the whole in the usual

mode, at the end of each month, or sooner, if the contract relating to his detachment is fulfilled, and will certify that he saw the provisions delivered; and he will take special care that the issues do not exceed the quantity due by the muster-rolls. These abstracts will also be certified by some other respectable person in employment, and will, together with the contracts and the bills of parcels, form the vouchers of delivery. The provision returns will be transmitted to the Commissary General.

6. Where the provisions are not issued by the contractor, but by the officer in charge of the detachment, he will call to his aid some respectable person employed in the business, upon whom the returns will be drawn, and who will take immediate charge of the issues.

7. The same principles will in like manner regulate the issues to the Indians, during the first year after their arrival at the places of their permanent residence. But as they will then be placed beyond the reach of many of those temptations which now assail them, such issues may be made at longer intervals, and in larger quantities. Cattle or hogs may be delivered, upon just estimates, on foot; and, by these means, much expense will be saved. The agent will determine, whether a just regard to the convenience of the Indians requires the designation of more than one place, at which these issues shall be made.

8. The year, within which subsistence is to be provided, will commence upon the day each party arrive in the country assigned to them. The agent will immediately report to the department the arrival of every party; and will, at the same time, transmit any explanations rendered necessary by any change since the last muster.

9. Families or individuals, detained by sickness, or other unavoidable causes, and unable to reach their destination at the same time with the party to which they belong, will be allowed to draw for the term of one year after the termination of their journey. But those who quit their party unnecessarily, will only draw as long as such party draws.

VII.

Appraisement and payment of property.

1. In the appraisement of property, the appraisers will always act under oath; and improvements will be estimated by the real fair value they add to the land. The appraisement returns will exhibit in separate columns the number of acres cleared and under fence; the value of the improvement, whether orchard, meadow, corn-field, or otherwise; the number, extent, and description of the buildings, and any other circumstances having a bearing upon the subject, and each of these will be separately valued.

2. Stock will in like manner be estimated, under different descriptive heads. Where it can, in the opinion of the superintendent, be more profitably issued, as provisions to the Indians, than sold, it will be delivered, upon an estimate, to an issuing officer, to be selected for that purpose, who will receipt therefor; such receipt will be transmitted to the Commissary General, and the quantity charged to such officer, who shall be credited, from time to time, with the issues as these are made.

3. When it is deemed most advisable to sell such stock, the same shall be advertised and disposed of at public sale, by the superintendent; and the amount paid over to the disbursing officers, whose receipt shall be forwarded to the Commissary General. But the danger of losing such Indian cattle

is so great, that they will not be received, till the superintendent is ready to dispose of them; at which time they will be delivered, by the owners, at a place to be pointed out.

4. To prevent revaluing cattle or other frauds, the appraisers will provide for branding the letters U. S. upon them; and all cattle, at the time they are received from the Indians, shall be distinctly branded therewith.

5. Appraisement returns will be transmitted to the department, from time to time, as the work is in progress, if the same cannot be finished within three months, and at the end thereof, if no longer time is required. These returns will be signed by the appraisers, and countersigned by the superintendent, and duplicates thereof will be sent at the same time to the agent of the proper tribe, west of the Mississippi. When received at the War Department, they will be examined, and if approved, the superintendent will be instructed to have them paid, before the emigration of the persons, if the treaty stipulations require such payment. If not, the superintendent will give a certificate, in each case, corresponding with the approved return, and numbered, stating particularly the person, amount, nature of the claim, &c., and requesting the proper officer west of the Mississippi, on the presentation of such certificate, by the person named therein, and by no other person, to pay the amount thereof to him; and such officer shall, if he has received an approval of the return from the War Department, and if such certificate is in conformity therewith, pay the amount to the owner. The receipt of the party upon such certificate in the latter case, and his receipt referring to the return in the former, will be required as vouchers in the settlement of accounts.

6. Where the Indians, under treaty stipulations, require that the cattle received from them east of the Mississippi, should be replaced by others west of that river, it shall be so expressed in the certificate, and the cattle received shall be so particularly described, that the purchasing agent may be enabled to procure others of similar value. But this will not be done, till the subject has been approved by the War Department.

VIII.

Miscellaneous.

1. A journal will be kept by the conducting officer of each detachment, in which will be entered a daily memorandum of the number of miles travelled; of the impediments, if any, which prevented a more rapid progress; of the time of marching and of encampment, if by land; and generally of such occurrences, as may best enable the Government to form a judgment of the mode in which the business has been done.

2. No horses will be purchased or supplied by the United States for the use of those who are engaged in this business, but the compensation allowed them will be in full for all services and expenses of every nature and description, excepting, while such persons accompany a detachment of Indians, their actual transportation and subsistence will be paid; and ten cents per mile, computing by the nearest route, will be allowed for their return. But this article will not extend to expresses.

3. In the collection of the Indians, special care will be taken that sufficient previous notice is given, and a day and place of meeting assigned; and in this their wishes and opinions will be consulted, so as to allow them ample time to make all their arrangements. And, in the mean time, they will be reminded of the necessity of punctuality. No provisions will be

issued till the arrival of the day which has been fixed, and on that day the journal of occurrences will be commenced. Every exertion will be used to set out as soon thereafter as possible. Two weeks, if necessary, will be allowed for them to collect after the day fixed; but not longer, unless some unforeseen accident happens.

4. The Commissary General will prepare the necessary forms to render the mode of doing duty, under these regulations, uniform, and to facilitate the settlement of the accounts; and these forms will be strictly adhered to.

IX.

Compensation.

The following will be the compensation allowed, and will be in full of all expenses and services whatever:

It is to be distinctly understood, that persons engaged in this duty will travel from place to place, whenever required, finding their own horses and bearing all their expenses, with the single exception stated in the 2d article of the 8th section, when they are ordered to accompany a detachment of Indians west of the Mississippi.

A special agent, two thousand dollars.

An assistant agent, to aid the special agent in the discharge of the more important duties connected with emigration, four dollars a day.

An enrolling agent, four dollars per day.

An appraiser, three dollars per day.

A conductor of Indians, where an officer of the army is not present, four dollars per day.

An assistant conductor, three dollars per day.

An interpreter, two dollars and fifty cents per day.

Persons employed in collecting Indians, taking charge of teams, and other duties of a similar nature, will not be allowed more than two dollars and fifty cents per day, to include their expenses; and laborers will be employed, agreeably to the custom of the place where their services are wanted.

Principal disbursing officers, pay and emoluments of a quartermaster.

Other disbursing officers, the pay and emoluments of an assistant quartermaster.

LEWIS CASS.

WAR DEPARTMENT, *May 17, 1882.*

SIR: I must ask your indulgence for not sooner answering your letter of the 12th instant. But circumstances prevented me from seeing the President for a few days after its receipt, and the pressure of other business, and some indisposition, have not allowed me to attend to the matter till now.

Before I received your letter, the propositions to the Cherokees, offering them the basis of a negotiation for the cession of their lands east of the Mississippi, had been placed in the hands of Mr. Chester; and he has left here with a view of procuring a convocation of these Indians, and a distinct acceptance or rejection of these propositions. If they accept them, the President will appoint commissioners to proceed to the Cherokee country, or to meet their agents here, as they may choose, and arrange the details of the matter. The first object is to ascertain whether they are prepared to enter

into a negotiation upon the general terms which are offered. These, as you are well aware, are very liberal, and such as ought to be satisfactory to the Indians, and to all who are their real friends; and if they are not accepted, I trust the country will be satisfied with the course of the Government.

As soon as a favorable answer is received from the Indians, the question of the appointment of commissioners will be considered by the President; and in its decision I am sure he will seek, with earnest solicitude, for those who, by character, talents, and standing, are best calculated to perform the duties.

I assure you I am happy at all times to receive your ideas and suggestions upon this important topic. I appreciate the delicate position of Governor Lumpkin, and I know the President places full reliance upon his zealous co-operation in every effort to adjust this matter satisfactorily. I am sure he is guided by the best motives, and is striving to do the best for the Indians, while he looks, as duty requires him, to the claims and interest of Georgia.

Very respectfully, &c.,

LEWIS CASS.

To the Hon. DANIEL NEWNAN,
H. R. U. S.

WAR DEPARTMENT, *May 17, 1832.*

SIR: You are hereby appointed special agent to superintend the removal of the Indians from the State of Ohio, who, by the treaties recently concluded with them, have stipulated for their migration to the country beyond the Mississippi.

Herewith you will receive a number of copies of the instructions, prepared for the regulation of the business of emigration, and to these I refer you for the particular details of your duty.

Your own personal operations will commence immediately. You will see the Indians, and give them notice that the Government is making arrangements for their removal, and for the supply of the various articles promised to them. It is important they should be in readiness, so as not to occasion any delay when the proper time for removal comes, as the expense would not only be greatly enhanced thereby, but they might be unable to reach their new residence before the commencement of the winter. It is therefore necessary that you should fully explain to them the plan of operations, and see that nothing is neglected which could postpone their departure. It will be proper for you to have interviews with their principal men, and enter into every explanation which circumstances may require.

The appropriations have not yet been made. Until this is done, no persons will be appointed to aid you; nor indeed is it considered necessary. The first object is to prepare the Indians for the movement, and this will best be effected by your personal efforts, in the mode pointed out.

As soon as you have completed a tour to the several bands, you will report to the department a project for the operations of the season, keeping in view the principles laid down in the printed instructions sent to you. You will state the number and duties of the persons you propose to employ, and you will suggest the names of such as you think proper to be employed. The compensation fixed for your own duties and theirs you will find in the instructions.

I wish you to state the route which you think should be taken, the number of parties which should move separately, the time they ought to assemble, the mode of supplying, and any other ideas which occur to you, by which the Government will be enabled to direct, in the best manner, the general operations. Economy in all the arrangements and disbursements is indispensable, and a strict attention will be required to the instructions.

One or more officers of the army will be ordered to assist you in the execution of this duty.

Very respectfully, &c.,
LEWIS CASS.

To JAMES B. GARDINER, Esq.,
Near Lebanon, Ohio.

WAR DEPARTMENT, *May 17, 1832.*

SIR: In answer to your letter of the 17th inst. I have the honor to inform you that the marshal of Alabama, in the instructions given to him from this department, respecting the removal of intruders from the land lately ceded by the Creek Indians to the United States, was referred to the treaty itself, to ascertain the class of persons to be removed. The provision upon this subject, in that instrument, is too plain to admit of any doubt; and those persons are certainly not included in it who have settled upon Indian improvements with the consent of the owners, or who have taken peaceable possession of unoccupied land, and made their own improvements.

Very respectfully, &c.,
LEWIS CASS.

Hon. SAMUEL W. MARDIS,
House of Representatives U. S.

WAR DEPARTMENT, *May 18, 1832.*

SIR: Since my letter to you of yesterday, in answer to yours of the 16th, I have received an application from the Governor of North Carolina, for the employment of the regular troops or militia, in the removal of the intruders from the Cherokee country, within the chartered limits of that State. In conformity with this request, orders have been given for two companies of the regular troops to march into that district, and to remove the intruders therefrom. Those having regular licenses to live and trade there, will not be molested; and, consequently, Col. Love, as this appears to be his case, will not be interfered with.

Very respectfully, &c.,
LEWIS CASS.

Hon. SAMUEL P. CARSON,
House of Representatives U. S.

WAR DEPARTMENT, *May 18, 1832.*

SIR: I have had the honor to receive your letter of the 15th instant, and have submitted it to the President; and I am instructed to inform you that

orders have been given for the employment of the regular troops in the removal of the intruders from that part of the Cherokee country within the limits of the State of North Carolina, agreeably to your suggestion.

Very respectfully, &c.,

LEWIS CASS.

His Excellency M. STOKES,

Governor of North Carolina, Raleigh.

WAR DEPARTMENT,

Office Indian Affairs, May 18, 1832.

FRIEND AND BROTHER: On the 12th day of March last, you were informed that troops had been ordered to remove intruders from your nation. Since that time the agent has arrived here, and states that the chiefs do not wish that the intruders should be driven off, but that they may be permitted to remain.

In consequence of that information, the execution of the said order will be suspended.

With great respect, &c.,

ELBERT HERRING.

To MUSHULATUBBE, *Choctaw Chief.*

WAR DEPARTMENT, *May 19, 1832.*

SIR: I have had the honor to receive your letter of yesterday. Since I had a conversation with you on the subject of the intruders into the Choctaw country, instructions have been issued to suspend the orders which had been given for their removal. A copy of these instructions is enclosed, that you may see their object, and the reasons which led to it.

Very respectfully, &c.,

LEWIS CASS.

Hon. POWHATAN ELLIS, *U. S. Senate.*

WAR DEPARTMENT,

Office Indian Affairs, May 19, 1832.

SIR: An agent has been instructed to repair to Georgia, and submit certain propositions to the Cherokees, with a view of making a treaty with them. A council will therefore be held, and if the terms proposed shall be accepted by them as the basis of a treaty to be concluded with their nation, commissioners will be appointed to meet them here or there, as they may prefer, for the purpose of negotiating such treaty. And, it has been suggested by their delegation here, that it might be desirable to them to receive a portion of their annuity to defray the expenses of their council. If that be the case, you can draw on the department for \$1,000, to be charged to that account.

With great respect, &c.,

ELBERT HERRING.

To Col. HUGH MONTGOMERY,

Cherokee Agent, &c.

WAR DEPARTMENT,
Office Indian Affairs, May 21, 1832.

SIR: In continuation of the instructions of this department of the 13th April, 1831, you will survey a tract of land intended for the future and permanent residence of the mixed band of Seneca and Shawnee Indians. The said tract of land must contain sixty thousand acres, and must be located contiguous to the lands granted to the Senecas of Sandusky, by the treaty of 28th February, 1831, and the Cherokee settlements. The east line of said tract must be within two miles of the west line of the lands granted to the Senecas of Sandusky, and the south line must be within two miles of the north line of the lands held by the Cherokees, and said two miles between the aforesaid lines shall serve as a common passway between the before mentioned tribes, to prevent them from intruding upon the lands of each other.

By the treaty of August last with the Ottaways, of Blanchard's fork and Osquanoxa's village, you will perceive that a tract of land is granted to them, to contain thirty-four thousand acres, to be located adjoining the south or west line of the reservation granted to the Shawnees of Missouri and Ohio, on the Kansas river and its branches. As these thirty-four thousand acres may be located adjoining either the south or west line of the said reservation, you will lay out the same upon either of those sides, as you may judge best. Copies of the treaties securing to the before mentioned tribes the tracts of land hereinbefore in part described, are herewith delivered to you.

You will complete the aforesaid surveys with all possible expedition and economy; and having done so, you will forthwith dismiss your surveying party, that the Government may not be subjected to the least unnecessary expense; and you will dispose of such portion of the public property as will not be wanted in the further execution of your duties.

You will then select a proper person to aid you in the examination of the country, and in the execution of the duties hereinafter described, whose compensation, as well as your own, will be five dollars per day, to include all your expenses.

You will explore the country designed for Indian settlement west of Arkansas Territory and State of Missouri, and southwest of Missouri river. You will ascertain the nature and quality of the soil; whether the country is well watered; whether its streams are navigable; whether it has a sufficiency of timber; and whether, with all its properties and qualities, it is eligible for cultivation and residence.

Cherishing unfriendly feelings towards one another, and prone to hostile acts, all known causes of dissention should be removed from the adjoining tribes. It is, therefore, essential that the boundaries between the lands of the Cherokees and Creeks should be accurately and permanently established. Your earliest attention will therefore be directed to this object, to remove existing discontent, and to prevent future controversy. After having examined the treaties concluded with these respective tribes, their conflicting claims, and the country, you will report to the department what, in your opinion, should be their boundaries, and the most eligible mode of settling them.

You will also ascertain the condition of the reservations for half-breed Osages and others, under the treaty of June 2d, 1825, some of which re-

servations have since fallen within the Cherokee lands, and report what disposition ought to be made of them.

Perhaps a more desirable tract of land than that heretofore intended for the occupation of the Osages, may be obtained for their future residence, and adjoining the lands of the Kansas. In ascertaining the feelings of the Osages upon this subject, you are authorized to call upon their agent for his assistance.

If, in the prosecution of these duties, your safety may require a military escort, you are authorized to apply for it to the commanding officer at Cantonment Gibson, or Cantonment Leavenworth, as convenience may suggest; and those officers will be severally ordered to furnish such escort, and such supplies of provisions as you may need, and they can spare.

Should commissioners be appointed to arrange all unsettled matters with the Indians west of the Mississippi, you will, immediately on their arrival, report to them your proceedings, and all the information you have collected; and you will consider your duties as terminated. Should no such commissioners be appointed, you will continue your duties till the object is accomplished, provided that can be done by the last of October next. But in no event will they be continued beyond that time, when your report must be put in the post office, so as to reach here at the commencement of the next session of Congress.

Let full returns of all the surveys already made, as well as those authorized by these instructions, be made to the department.

If you find it necessary, you can employ a guide to accompany you, allowing him a reasonable compensation; and for these expenses, as well as for those incurred for surveying, you will draw upon the department. But let your accounts and vouchers be transmitted when the drafts for the latter are drawn.

Very respectfully, &c.,

ELBERT HERRING.

To the Rev. ISAAC McCoy.

WAR DEPARTMENT, *May 21, 1832.*

SIR: The Governor of North Carolina has applied to the President for the removal of intruders upon that part of the Cherokee country within the limits of that State. It is described as the Valley Towns, situated between the main Blue Ridge, or Appalachian mountains, and the Great Unicoy, or Unaka mountain, and within the acknowledged limits of North Carolina.

In compliance with this request, General Armistead, with two companies of regular troops, has been ordered to proceed to the above-mentioned country, and to remove these intruders therefrom. He has been directed to consult with you, and you will accompany him in the execution of the duty; and aid him with your advice and local knowledge. You will explain the object to the Indians, and let them understand distinctly, that no injury is intended to them, nor will they be interfered with; but that the Government is desirous of removing bad white men from their country.

It is stated by the Governor of North Carolina, that these persons, with a considerable number of slaves, are employed in digging gold. You will give public notice of your instructions, and warn them to remove without delay; and it is to be hoped that a just regard to the obligation of the laws

and to their duties, will lead them to peaceable compliance. Should it however be otherwise, force must be used, and they must be conveyed beyond the limits of the Cherokee lands in North Carolina. When over this boundary, they will be set at liberty; but should they return, let them be surrendered to the civil authority for prosecution, under the intercourse act of 1802. No unnecessary severity should be used, but any erections they may have put up should be destroyed, or delivered to the Indians, if calculated to be useful to them.

All persons properly licensed, or heretofore recognized as a part of the Cherokees, will be suffered to remain.

You will report from time to time, your proceedings to this department, and your opinion when the troops may be safely withdrawn. I rely upon your discretion for a proper execution of these instructions.

Very respectfully, &c.,

LEWIS CASS.

Col. HUGH MONTGOMERY,

Cherokee Agent, Calhoun, Tennessee.

WAR DEPARTMENT, *May 21, 1832.*

SIR: I have had the honor to receive your letter of this date, and in answer, beg leave to inform you the propositions to serve as the basis of a negotiation with the Cherokees, which were shown to you some time since, have been sent to them by a special messenger. It is to be hoped that an answer will be received without any unnecessary delay. If accepted, I do not foresee any insuperable difficulties to a speedy and satisfactory adjustment of this subject. But until their answer is received, or some intimation of their views respecting this proposition, the President thinks it would be premature to enter into any other arrangement. It would exhibit to the Indians an instance of versatility which could not but be unfavorable to our object.

Should, however, the Cherokees decline accepting these propositions as the basis of a negotiation, the President will then cheerfully authorize Gov. Lumpkin to take such measures as he may think expedient to bring this matter to a successful issue; and I have no hesitation in saying, that any arrangement, sanctioned by three-fourths of the Cherokees, and not extending beyond the very liberal terms held out in the message sent to them, will receive the approbation of the President. Governor Lumpkin shall be kept informed of the progress of this affair.

Very respectfully, &c.,

LEWIS CASS.

Hon. DANIEL NEWNAN, *H. R. U. S.*

WAR DEPARTMENT, *May 23, 1832.*

SIR: I have had the honor to receive your letter of the 22d instant.

Upon the application of Mushulatubbe, one of the Choctaw chiefs, for the removal of intruders from the territory ceded by that tribe to the United States, under the provisions of the treaty of Dancing Rabbit, orders were given for a company of the regular troops to proceed to the ceded district, and, under the instructions of the agent, to remove such intruders therefrom. At the time this order was given, it was supposed that the law of the State of Mississippi, extending jurisdiction over the Choctaw country, had

been suspended by the Legislature, till the expiration of the period allowed the tribe to remove. Had it not been for this belief, no instructions for this object would have been given under the intercourse act of 1802; but whatever proceedings might have been adopted, they would have been had under the act of Congress providing for the removal of intruders from the public land. The execution of this duty would have devolved upon the marshal of Mississippi; and the law authorizes the employment of troops of the United States in carrying it into effect.

A few days since, however, Colonel Ward, the Choctaw agent, arrived here, and stated that the Indians did not wish the removal of the white settlers; but, on the contrary, had invited them into the country, for the reasons so forcibly represented by you. Upon this information, the President directed that the contemplated proceedings should be stayed; and counter instructions, a copy of which I have the honor to enclose to you, together with orders to stop the movement of the troops, have been given.

Certainly there is no wish on the part of the Government to molest or injure any person who has moved upon the ceded territory. On the contrary, the President is happy to find that their residence there is acceptable and useful to the Indians; and that he is not called upon to execute those provisions of the treaty of 1830, which require their exclusion from the country. In our treaties with the Indians, however, we receive valuable cessions, and every consideration of justice and good faith requires that all we promise to them, we should perform. Had the Choctaws called upon the Government for the observance of that part of the treaty to which I have referred, I am satisfied the citizens of Mississippi would have cheerfully acquiesced in the execution, by the President, of those duties enjoined upon him by the constitution and laws, and essential to the performance of the public engagements.

Very respectfully, &c.,

Hon. F. E. PLUMMER,

LEWIS CASS.

House of Representatives U. S.

WAR DEPARTMENT, *May 24, 1832.*

SIR: I have received your letter of the 14th instant, together with the accompanying documents, and without entering into the general subject you have presented, or acceding to the facts and principles advanced by you, as the agent for the western Cherokees, I have in answer to state, that the President has recommended to Congress the appointment of commissioners to proceed to the country west of the Mississippi, in order to arrange all unsettled matters relating to any of the tribes of that region.

It is to be hoped that a bill for this purpose will pass at the present session. If it does, three men of high character will be selected for the performance of this duty, and will be instructed to hear, examine, and adjust all the subjects interesting to the Indians, and involved in their relations with the United States.

This business can be done better there than here. We have not the local knowledge necessary to its accomplishment, nor can the parties meet here together to discuss the subject, and by mutual compromise between the Creeks and Cherokees, establish satisfactory boundaries between them. For these reasons, the subjects presented by you will be thus disposed of.

Very respectfully, &c.,

To Major J. W. FLOWERS.

LEWIS CASS.

WAR DEPARTMENT, *May 25, 1832.*

SIR: In reply to your letter of 2d instant, I have the honor to inform you that the section of land granted to Nancy Burnett, by the treaty of Chicago, was sold to the United States for one thousand dollars, on the 3d of November, 1830, as appears by the receipt of Nancy Davis, on file in the office of the Second Auditor.

I am, very respectfully, &c.,

LEWIS CASS

ELIJAH HAYWARD, Esq.,

Commissioner Gen. Land Office.

WAR DEPARTMENT, *May 25, 1832.*

SIR: I have received your letter of yesterday, and have this morning re-examined the subject to which you refer.

I find that the appraisement roll, which is the only document that has yet been returned to the department, is entirely too indefinite to justify the payment of the claims which are presented. This can only be done upon the appraisement certificates, which are issued in each particular case, and which state particularly the circumstances which entitle the holder to remuneration. These constitute the vouchers upon settlement at the Treasury, and are signed by the appraisers. Each of the persons, whose promissory note has been presented, with the explanatory endorsement of Mr. Currey, possesses one of these certificates, and it is impossible to satisfy his claim without its presentation here. For, if this were done, the debt would be paid, and its evidence would be left floating about the country, to become the foundation of a demand against the Government, or to enable dishonest persons to impose upon the community.

I do not doubt but that, under these circumstances, you will coincide with me in opinion, that however unfortunate the case of the present claimants may be, I see and regret it, this department can afford no relief.

With great respect, &c.,

LEWIS CASS.

Hon. WARREN R. DAVIS,

House of Representatives.

WAR DEPARTMENT, *May 26, 1832.*

SIR: The President has referred to this department, a letter from Mr. Montgomery to you, recommending the employment of Mr. Scudder as an assessing agent for the Cherokee Indians. My impression has been, that there were already as many persons engaged in the enrolling and assessing concerns of these Indians, as could be profitably employed, and this impression was founded upon the representation of Mr. Currey, and other gentlemen, who have been in that service. It is, of course, the wish of the Government to accomplish this object with as much economy as circumstances will permit. I have, therefore, referred the matter to Mr. Currey, and have authorized him to continue Mr. Scudder in employment, if he thinks his services are necessary.

Very respectfully, &c., &c.,

LEWIS CASS.

To the Hon. GEO. M. TROUP,

United States' Senate.

WAR DEPARTMENT,

Office Indian Affairs, May 26, 1832.

SIR: In a late letter of Mr. J. M. C. Montgomery, referred to this department, it has been represented that the employment of Mr. Jacob M. Scudder, as an enrolling agent among the Cherokees, and appraiser of their property, would be very important in its results, and from his influence among them, would, to a great extent, revive the spirit of emigration.

The department is willing by all fair means to encourage that spirit, and submits the subject to your discretion. While the Government is studious of economy in all its operations, it will not withhold the necessary means of accomplishing important objects. If, therefore, it be your opinion, that the appointment of Mr. Scudder will essentially benefit the cause of emigration, you will be pleased to appoint him.

With great respect, &c.,

ELBERT HERRING.

To BENJAMIN F. CURREY, Esq.,

*Superintendent of emigration, &c.*WAR DEPARTMENT, *May 28, 1832.*

SIR: An error has occurred in surveying the boundary line under the treaty of August 1, 1829, at Prairie du Chien, in consequence of wrong instructions having been sent to Mr. Lyon, before he received a printed copy of the treaty.

John Mullett, esq., of Michigan, has been directed to correct the error, and establish the boundary, agreeably to the first article of the treaty; and, as it is important that the matter should be explained to the Indians, you will ascertain at what point Mr. Mullett will commence a re-survey, and send to him two of the most intelligent Winnebagoes, to whom the explanation will be given.

Very respectfully, &c.,

LEWIS CASS.

JOHN H. KINZIE, Esq.,

*Sub-agent, Fort Winnebago.*WAR DEPARTMENT, *May 28, 1832.*

SIR: Enclosed, you will receive the copy of a letter from Mr. Lyon, upon the subject of an error in surveying and establishing the boundary line under the treaty of Prairie du Chien, also a printed copy of the treaty referred to.

Agreeably to the suggestion in the letter of Mr. Lyon, you are requested to correct the error, and fully explain it to the Indians, and report to this department.

Mr. Kinzie, the sub-agent, has been instructed to send two intelligent Winnebagoes, to meet you at the point you may designate; and, to whom you will explain the manner in which the error occurred, and the necessity of correcting it.

Very respectfully, &c.,

LEWIS CASS.

JOHN MULLETT, Esq., *Galena.*

WAR DEPARTMENT,

Office Indian Affairs, May 31, 1832.

SIR: By the act of Congress of May 20, 1826, to aid certain Indians of the Creek nation in their removal to the west of the Mississippi, there was to be given to each warrior of that nation, who should remove there within two years, one beaver trap, &c. The head chiefs and warriors of the western Creeks, by their petition dated February 28, 1832, have solicited the value in money of those traps alleged by them, to be still due to that portion of their nation that had emigrated pursuant to the terms of the treaty of January 24th, 1826.

About three thousand Creeks have removed to the west of the Mississippi, and one thousand beaver traps have been delivered to their agent, General John Campbell, to be distributed among their warriors. It is manifest, therefore, that a greater number of beaver traps has been furnished to their agent for distribution, than would be sufficient to supply all the warriors of their nation, who have emigrated west.

I have the honor, &c.,

ELBERT HERRING.

To the Hon. LEWIS CASS,
Secretary of War.

WAR DEPARTMENT,

Office Indian Affairs, June 1, 1832.

SIR: Your letter of the 17th ult., advising the department of your having drawn for eighteen thousand dollars for expenses of transportation, provisions, &c., incurred under the treaty with the Senecas, of February 28, 1831, has been received.

The Secretary of War has directed the draft, which had been previously presented, to be paid. But, as the amount exceeds the sum asked of Congress this year, for this tribe, you are requested to prepare, and transmit an account of the expenditure, showing what part is made for the transportation, the subsistence, &c., of the four hundred and fifty Senecas, who emigrated the last year, distinguishing the expenses of the detachment which was detained in Indiana, from those of the company under Mr. Brish's charge, and what part, if any, for other tribe or tribes.

The estimate submitted to Congress, embraced an appropriation of \$9,281 25, for the subsistence of the 450 Senecas, and \$8,000 for contingencies; a small part of this last sum only can be added to the specific appropriation for this band. The balance of the \$18,000, must be charged to some other account; and to determine to what account, a statement from you, at an early day, is indispensable.

Very respectfully, &c.,

ELBERT HERRING.

Gen. WILLIAM CLARK,
Sup't Indian Affairs, &c.

WAR DEPARTMENT, June 4, 1832.

SIR: I have received your letter of the 2d inst., with the accompanying treaty with the Seminole Indians; and have the gratification of informing

you, that the President is well satisfied with the arrangement you have made. The trust confided to you has, in my opinion, been executed with great economy, judgment, and fidelity.

Very respectfully, &c.

LEWIS CASS.

Col. JAMES GADSDEN,

Now at the City of New York.

WAR DEPARTMENT, June 4, 1832.

SIR: By the provisions of the Creek treaty recently concluded, the sum of three thousand dollars is appropriated for the education of their youth. This sum will be applied in the mode they may desire. This department has confidence in the management of the Choctaw academy, in Kentucky. There are many Indian pupils at that institution, and it is devoted to their moral and intellectual improvement. I am under the impression, that in the unsettled condition of the Creek Indians, it would be better for them to send their youth to this academy, for the present, than to attempt the immediate establishment of schools of their own, in the State of Alabama. After their emigration to the country west of the Mississippi, they can make arrangements for the permanent application of this fund among themselves, in the mode which may best suit. Under these circumstances, I would recommend to them to send to the Choctaw academy, such a number of their most promising boys, as can be supported with the sum allowed. They should not exceed fifteen years of age, and it is desirable that they should have some knowledge of the English language. If the Creeks approve this arrangement, you can supply the boys with a blanket, and a suit of cheap clothing each; and send them, in charge of some careful person, to the institution. For the amount of the expenditure thus incurred, you can draw upon this department.

Should they, however, wish that the funds should be applied to schools among themselves, you can inform them that the department will sanction the measure, and will give effect to the plan proposed by them, as soon as their wishes are made known.

Very respectfully, &c.

LEWIS CASS.

Col. JOHN CROWELL,

Creek Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, June 5, 1832.

SIR: In reply to your letter of the 22d ult., to the Secretary of War, I am instructed to inform you, that as Col. Gardiner has been ordered to take speedy measures for the removal of the Shawnees, no further provisions will be made for their improvement, previously to their departure for the west.

The department cannot now inform you what amount of the civilization fund, will be appropriated to your society for that object, after their removal. It is expected that commissioners will be appointed at the present session of Congress, for the adjustment of all Indian affairs west of the Mississippi. In the event of their appointment, this subject will be referred to

them. If such appointment should not take place, an apportionment of the civilization fund will be made among the institutions entitled to its participation, and you will be apprized of the result, as affecting your society.

The department cannot make, or promise, any compensation for those improvements on the Indian lands at Waupaghkonetta, made, as you allege, at your own expense, and which have gone entirely out of your hands. The department did not effect the alienation, and has no authority to compensate therefor. Application for that purpose, if made at all, must be addressed to Congress.

With great respect, &c.,
ELBERT HERRING.

Mr. LEWIS WALKER,
McCutchenville, Ohio.

WAR DEPARTMENT, June 5, 1832.

SIR: I have received your letter, signed by yourself and a number of other citizens of Alabama, respecting the provisions of the Creek treaty.

The treaty, by every fair interpretation, requires that all persons who have forcibly expelled the Creeks from their improvements should be removed; and every principle of natural justice dictates the same measure. The Government hopes that all persons holding improvements by such an improper tenure, will voluntarily abandon them, and suffer the rightful owners to regain possession. Should they not, disagreeable as the duty will be, nothing remains but to use the means pointed out by law, to give effect to the plighted faith of the United States. We have obtained a valuable cession from these Indians, and have made them solemn promises; and I am confident that every dispassionate citizen of Alabama will say that pledges thus given should be redeemed.

Persons holding improvements which they have themselves made, are allowed to retain them till they have gathered their crops. By that time, it is to be hoped that the country will be surveyed, and the Indian locations made. Such of these improvements as fall within the locations, must then be yielded up; but with respect to the others, I presume, they will be placed in the same situation as other settlers upon the public lands.

Very respectfully, &c.,
LEWIS CASS.

Mr. J. B. EASON,
Ashville, St. Clair County, Ala.

WAR DEPARTMENT,
Office Indian Affairs, June 6, 1832.

SIR: Your letter of the 28th March, 1832, to the Secretary of War, enclosing Major Farrington's to yourself, has been received by Col. Chouteau, whose accounts against the Government are in process of settlement.

One thousand rifles, and the same number of beaver traps, were forwarded to you by Col. Crowell in February last, and were probably received soon after the date of your letter. That exceeds the number to be distributed among the Creeks who have already emigrated to the west. Their request to receive other articles in lieu of the traps cannot be granted, therefore, inasmuch as the traps had been forwarded previously to their request.

The department will not be disinclined to furnish the Creeks, after their removal west, other specified articles to the value of the traps, to be delivered to them by treaty obligation.

* * * * *

With great respect, &c.,

ELBERT HERRING.

Gen. JOHN CAMPBELL.

WAR DEPARTMENT,

Office Indian Affairs, June 11, 1832.

SIR: Your letter of the 28th April last, to the Secretary of War, has been received, and I am instructed to answer it.

You state that you was employed in 1828, by Col. David Brearley, late Indian agent, to aid him in removing the Creek Indians; that you continued with him until his dismissal, or near that time, in 1829; that you gave him a receipt for your services, on his promise to pay you when he received money from the department; and that he has never paid you. You ask the department to suspend payment to Brearley, and to advise you what course to pursue to obtain your due.

On the production of your receipt by Col. Brearley, the amount was credited to him in the settlement of his account; and your only redress is against him.

With much respect, &c.,

ELBERT HERRING.

Mr. SAMUEL DE WHEAT.

WAR DEPARTMENT,

Office Indian Affairs, June 19, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th ultimo, to the Secretary of War.

The appointment of a person to superintend and conduct the removal of the Indians west of the Mississippi, will be conferred on William Armstrong, esq., of Nashville; and such arrangements have been made as will materially reduce the expenses that were incurred the last year for that purpose.

With great respect, &c.,

ELBERT HERRING.

To REUBEN H. GRANT, Esq.

WAR DEPARTMENT,

Office Indian Affairs, June 19, 1832.

SIR: Your letter of the 19th instant, to the Secretary of War, has been received; and I am instructed to reply to its contents.

The department approves of the course of your proceeding in the business entrusted to you, and indulges the hope that your persevering and judicious exertions may be eventually successful.

In the event of the Cherokees agreeing to treat, commissioners will be immediately appointed, to meet them here or in their own nation. If they should prefer the negotiation here, commissioners will be on the spot to

treat with them. If they should prefer to negotiate in their own country, commissioners will proceed there for that purpose, without a day's delay. The importance of the subject would prompt expeditious movement.

In your communications he pleased to give the earliest possible intelligence; and with such minuteness of detail, as to apprise the department of all the circumstances relating to the subject of your mission.

With high respect,

ELBERT HERRING.

E. W. CHESTER, Esq.

WAR DEPARTMENT, *June 20, 1832*

SIR: I have received your letter of the 4th instant; and, in answer, beg leave to inform you, that you will be selected as one of the appraisers of property, under the treaties recently negotiated for the removal of the Indians from Ohio.

Mr. Gardiner has been appointed to superintend the removal of these Indians; and the nomination of the persons necessary to aid him will, in the first instance, be entrusted to him. For any employment, therefore, connected with the business of emigration, I beg leave to refer you to him.

The enclosed pamphlet will show you the system which has been adopted.

Very respectfully, &c.,

LEWIS CASS.

BENJ. BRIGGS, Esq., *Newark, Ohio.*

WAR DEPARTMENT, *June 20, 1832.*

SIR: I have received your letter, of the 18th instant, and have to inform you that Major F. W. Armstrong, superintendent of Choctaw emigration, will repair to Philadelphia within a short time, to purchase such rifles as are required for the public service. He will visit your establishment and Mr. Derenger's, and after complying with some obligations already incurred by the department, he will procure such as are needed, upon the best terms that can be afforded.

Very respectfully, &c.,

LEWIS CASS.

GEORGE W. TRYON, Esq.

WAR DEPARTMENT, *June 20, 1832.*

SIR: I have received your letter of the 9th instant; and, in answer, beg leave to observe, that the bill for the appointment of commissioners to arrange existing difficulties with the Indians west of the Mississippi, has not yet passed Congress; and that the result is doubtful. No measures will, of course, be taken upon that subject till the fate of this bill is ascertained.

By a letter from the bearer of the despatches to the Cherokees, we learn that the prospects of an accommodation are not so good as we had hoped or anticipated. I do not, however, suffer myself to doubt but that a satisfactory adjustment of this matter will soon be accomplished.

Very respectfully, &c.,

LEWIS CASS.

Rev. J. F. SCHEPMEHORN.

WAR DEPARTMENT, June 20, 1832.

SIR: I have received your letter of June 5th; and in that you contemplate the appointment of an Indian commission to arrange the existing difficulties with the Indians in the northwest; but no such appointment is intended by the Government. Gen. Scott has been charged with the pacification of the Indians, as he has been with the direction of hostilities. And this course has been required by his official situation, and the good of the service.

I presume you mistook the object of the bill. The commissioners, it is intended to appoint, will be charged with the arrangement of a number of subsisting causes of difficulty with the Indians west of the Arkansas, and with the determination of sundry questions connected with Indian emigration. Peculiar circumstances require that local considerations, together with other important ones, should be taken into view, in the selection of these commissioners. The appointments, although not made, are yet so far in contemplation, as to render it improper for the department to add to the number of persons from whom the selection will be made.

Very respectfully, &c.,

LEWIS CASS.

CALEB ATWATER, Esq.

WAR DEPARTMENT,

Office Indian Affairs, June 21, 1832.

SIR: A requisition has issued this day in favor of the cashier of the Branch Bank of the United States, at New York, for \$37,180, to be deposited in that bank, subject to your order; and a second requisition, in your favor, for \$50,000, payable at the Bank of Michigan.

These sums will furnish the means of paying the various annuities due the current year to the Indians within your superintendency, and the first and second quarter's expenses at the several agencies, agreeably to the abstracts of apportionment enclosed. Should you, however, deem it proper to alter any of the proportions in these abstracts, you will do so, and advise the department thereof.

In a few days you will be furnished with a copy of the regulations adopted for the government of the agents connected with the Indian department.

Very respectfully, &c.,

ELBERT HERRING.

His Excellency GEORGE B. PORTER.

WAR DEPARTMENT, June 21, 1832.

SIR: I have received your letter of the 2d instant. The particulars you suggest, in relation to the emigration of the Indians, will be considered and answered by General Gibson.

I am gratified to learn that the Shawnees are well satisfied with the arrangements they have made, and with the course the Government has adopted towards them. I trust they will have no cause to regret their change of residence.

I know nothing, but what I have seen in the Congressional proceedings, concerning the application of some of the Shawnees for additional compensation. And it would, consequently, be improper for me, from the facts now before me, to form an opinion on the subject. The Indians do me but

justice in believing I am sincerely their friend, and desirous to promote their welfare. (But it is impossible to comply with their whim, (for I cannot give it any other term,) respecting their mode of transportation. Where they pretend they are unwilling to remove in steamboats, because they are afraid they may be drowned, they tell me what I am not credulous enough to believe. It is, to me, a new idea that an Indian is afraid of water. The time, expense, and inconvenience, of travelling by land, will be so much greater, that the President, with whom I have conferred upon the subject, cannot accede to the proposition. Gen. Gibson will advise you of the result. I am satisfied the quantity of provisions allowed will be amply sufficient for the subsistence of the Indians, taking men, women, and children into view.

The ration, as fixed, might not, perhaps, be enough for an adult person, a laborer; but, as the issues will be made to mixed companies, I am confident it will be liberal. Such is the opinion of the President. I do not exactly comprehend your idea about enlarging the muster roll. If by that you mean issues, to an amount greater than would be required by the actual numbers of the Indians, should be made, it is a proposition that cannot be entertained by the department, for a moment. The quantity of issues must be in strict proportion to the number of the Indians, as exhibited upon the muster rolls. And the muster must be accurately made, and exhibit the real number of the Indians; and for this, the officer of the army, executing this duty, will be held to a strict accountability.

I enclose you ten copies of the printed regulations. A physician cannot be employed to accompany the detachment, but arrangements will be made for the vaccination of the Indians, previously to their departure.

Very respectfully,

LEWIS CASS.

To Col. JAMES B. GARDINER.

WAR DEPARTMENT, *June 21, 1832.*

SIR: A letter dated 30th of May, without a signature, but supposed to be from you, upon the subject of adding another chief to the delegation about to visit Arkansas, from your agency, has been received.

The appropriation for defraying the expenses of the delegation has not yet been made by Congress; and, if it should be made, the President is not willing that the number of delegates should be increased.

Very respectfully,

LEWIS CASS.

Major JOHN PHAGAN.

[CIRCULAR.]

WAR DEPARTMENT, *June 21, 1832.*

The following regulations will be invariably observed, in the expenditure and accountability of money, for the Indian department:

1. As soon after the annual appropriation bill is passed as practicable, the estimates of the several superintendents and agents will be taken up, and the amount allowed to each for the current year, under the several heads of appropriation, will be determined, and respectively made known to those officers.

2. A copy of the allowance thus made, will be sent to the Second Auditor; and, in the adjustment of the accounts of the various officers of the department, no excess, under any head of appropriation, will be allowed.

3. Should circumstances require the expenditure of a greater sum than is allowed, a representation will be made to the department previously to the incurring such additional expense, when the subject will be considered; and, if deemed necessary, an additional sum will be remitted.

4. If any unforeseen event should require such an additional expenditure, before the department can be consulted, a full account of the circumstances, showing not only the necessity of the measure, but the reasons which required an immediate action, and prevented an earlier communication, will be made known; and, if these are not full and satisfactory, such expenditure will not be allowed.

5. No interpreter, nor blacksmith, nor gunsmith, will be allowed more than forty dollars per month; nor any assistant blacksmith, nor striker, more than twenty dollars per month, in full compensation for their services. Where the blacksmith and gunsmith provide their own shop and tools, an additional sum, not exceeding one hundred and twenty dollars, may be allowed.

6. No slave will be employed in the department.

7. No supplies, of any description, will ever be furnished by any disbursing officer, agent, or sub-agent; but, all such supplies as are required and authorized, will be procured from disinterested persons.

8. No officer of the Indian department will be engaged in trade with the Indians; nor in furnishing, directly or indirectly, any supplies required for their use.

9. No compensation will be allowed to any officer of the department, for the performance of any duty fairly appertaining to his office; but, when such officer is compelled to travel on public service, a reasonable compensation will be made, on the production of a statement exhibiting the various items of expenditure, the distance travelled, and the time employed; together with a certificate, upon honor, of the correctness thereof.

10. Semi-annual estimates, exhibiting, in detail, the various objects of expenditure under the several heads of appropriation, will be punctually rendered to the department. These will be made upon as reduced a scale as the good of the service will permit; nor will any remittance be hereafter made from the Treasury, till the proper estimate has been made. These estimates will exhibit the balance, if any, remaining on hand, under any head of appropriation. They will correspond with the annexed form.

11. The annual returns required by law, and by the regulations of the department, will be punctually transmitted as soon after the 30th of September, in each year, as possible; and they will embrace the operations of the preceding fiscal year. It is important these documents should be early received, that the proper information may be submitted to Congress at the commencement of each session; and, as there can be no good reason why the duty should be delayed or neglected, the disbursing officers are distinctly informed, that, in every case where the returns are not received in proper season, the name of the person thus failing in his duty will be reported to the President, for his action in the case.

12. No funds will be remitted to any disbursing officer of the department, until his accounts are rendered agreeably to the provision of the second section of the act of January 31, 1823.

13. No horses will be supported at any of the agencies, at the public expense.

14. The delivery of presents to the Indians will, in all cases, be certified

by some disinterested person, and the abstract of delivery will show the name of the person and his tribe; or, if more than one, the number of the party, the tribe to which they belong, and the name of the principal person.

15. No expenditure will be made upon any public building, except such as may be indispensable, and as can be paid out of the contingent means allowed to the agency; nor will any public building be constructed without the previous sanction of the department.

16. All agents and disbursing sub-agents, reporting to any superintendent, will make their communications directly to the proper superintendent; by whom such as require the action of the department, will be transmitted, together with his opinion, where the nature of the case requires one.

17. No claim for expenditure, of any description, will be allowed, unless the same shall be accompanied with a regular account and receipt. These can always be procured; and if not, let not the expenditure be made. The only exception that can be admitted, will be the small items upon a journey, where the agent is required to perform one at the public expense; and, in those cases, his certificate, under oath, will be affixed to the account.

18. Provisions for Indians will be purchased as other supplies are, and issued upon returns. The receipted bills of parcels of the provisions, and abstracts of those issues, certified by the agent and sub agent; or, in the absence of the latter, by an interpreter; stating the names of the principal person or persons of the party, the tribe to which they belong, the number of Indians, the amount issued, and the days when the issues were made, will form the voucher for the expenditure; but this regulation will not extend to the case of issues from the public stores at the military posts. These will be vouched for, as heretofore.

19. No Indian agent will, under any circumstances, be allowed pay for provisions furnished to Indians by himself. Where circumstances render it necessary that meals of provisions should be procured, instead of the regular issues, receipts of these will be taken from the persons furnishing them; and the reasons added, which prevented the ordinary issues of provisions.

LEWIS CASS.

WAR DEPARTMENT, *June 22, 1832.*

SIR: The funds for the payment of the annuities due to the Indian tribes within your superintendency, for the present year, have been remitted to you. The information now before the department does not enable me to ascertain whether any tribes, except the Sacs and Foxes, are engaged in hostilities against the United States. We have, as yet, no evidence that any but the two latter are so engaged; but the facts must be clearly investigated before those payments are made. If the principal part, or what may fairly be considered as the legitimate authority of either of these tribes is, or shall be, engaged in these hostilities, no annuities will be paid to such tribe. If, however, individuals belonging to such tribes, have joined the disaffected party, without the co-operation of the principal part, or proper authority of such tribes, the annuity will be paid as usual, to the neutral or peaceable portion. But under no circumstances will any part of the annuities be paid to any individual, or to the family of which such individual is the head, who has been engaged in hostilities. You will please to give the necessary instructions to the various agents, and disbursing sub-agents,

making these payments, to carry into effect the views of the department on this subject. They will be very rigid in their inquiries, and use all the means in their power to investigate the conduct of suspected individuals. It is not intended that any of these persons shall remain east of the Mississippi; but it is possible they may deceive the vigilance of the officers, and continue, or resume, their positions in their tribes, with a view to procure a portion of the annuities. I will thank you to require special reports upon this subject, showing the result of the investigation, and the mode in which this order has been executed.

Your instructions will likewise extend to the Indian agent in Indiana, to whom funds, for the payment of the annuities within his agency, have been remitted directly from this department, as you have been advised, in consequence of the greater convenience and economy of procuring them, nearer his residence, by drafts upon Cincinnati.

Very respectfully, &c.,

LEWIS CASS.

To his Excellency GEORGE B. PORTER.

WAR DEPARTMENT,

Office Indian Affairs, June 23, 1832.

SIR: A letter from George W. Ward, acting agent, of 30th ultimo, enclosing an account of sales of Choctaw cattle, was received at this office, on the 15th instant.

The duty of selling the cattle, and forwarding an account of sales, was entrusted to Colonel Byrn, and of course that account should have been made out, signed, and forwarded by him.

You will instruct Colonel Byrn, therefore, to prepare a new account of sales, and transmit it to this department; accompanying it with a certificate of the safe deposit of the money, and some explanation of the causes of the very low prices at which the cattle were sold.

Very respectfully,

Your most obedient servant,

ELBERT HERRING.

To Colonel WILLIAM WARD.

WAR DEPARTMENT, *June 24, 1832.*

SIR: You are hereby appointed to carry into effect the 6th article of the treaty concluded July 20, 1831, with the Seneca and Shawnee Indians, at Lewistown, in the State of Ohio, a copy of which article is herewith enclosed. In the execution of this duty you will consult the wishes of the Indians, in regard to the disposition of the property. You will advise them of the best course to be pursued, for their own interest. Mr. Gardiner, the superintendent for the removal of the Indians, in Ohio, will communicate to you the time when the Senecas and Shawnees will probably remove; and I refer you to him for any further information you may require. A copy of the regulations of the department is enclosed, by which you will see the quantity of baggage which the Indians are allowed to take. This will not be exceeded; and whatever else they possess, with the exception of horses, must be disposed of.

You will prepare an inventory, exhibiting all the articles, together with the names of the owners; and you will dispose of them, at public sale, in the best possible manner. The necessary previous notices must be given to ensure fair competition. The department relies upon your zeal and exertions to have full justice done to the Indians. The money will be collected by you, and paid over to the parties, taking duplicate receipts therefor: one of which, together with the inventory and account of sales, you will transmit to this department. Should any of the Indians prefer making private bargains with individuals, for the sale of their property, you will interfere no farther than to see a fair price is given, and the money actually paid.

You will receive five dollars a day, to include your services and expenses, while engaged in this business, to be paid upon your certificate of honor, as to the time actually spent therein, to be computed from the time you leave home till your return. But this compensation will not, under any circumstances, exceed the sum of three hundred dollars.

Very respectfully,

LEWIS CASS.

To JEREMIAH McLENE, Esq.,
Columbus, Ohio.

[Similar letter to WM. H. WOODWARD, *Dayton, Ottoways*; BENJ. BRIGGS, *Newark, Shawnees*.]

WAR DEPARTMENT, June 24, 1832.

SIR: You are hereby appointed to make the selections of the locations of the tracts of land granted to the Indians, by the 2d article of the treaty concluded with the Creek tribe, on the 24th of March, 1832.

This duty will not be executed till a census of the persons entitled to these tracts is taken and returned to the department, and a copy transmitted to you; nor until the cession is surveyed, and the necessary plots forwarded to you from the General Land Office.

You will allow the chiefs to make their selections in the first instance, requiring them, however, where they possess improvements, to take the section including the greater part of such improvement, and you will then apply the same principle to all the other heads of families. If these persons have no improvements, or if their improvements are so situated that the location of a tract would include more than one of them; in that case, you must exercise a sound discretion respecting the person to whom such tract shall be assigned. It will be better, if the interested parties could mutually agree, amicably to adjust this matter, among themselves; and if they cannot, perhaps the best method of settling it will be to draw lots in their presence. But the question is referred to your discretion, and the department confidently relies upon your zeal and exertions, to execute this and every other part of your duty, in a manner required by the spirit of the treaty, and satisfactory to the Indians.

You will observe, the treaty provides, that all locations for persons in the same town shall be contiguous. There may, therefore, be as many separate locations as there are towns, if the Indians demand it. But it would be desirable to reduce these as much as possible, so as to keep the Indians

together, and neither break in unnecessarily upon our settlements, nor expose them to the inconvenience of being surrounded by our people, upon a great number of small tracts. As far as possible, without doing injustice to the claimants, you will take care that the individual locations are so made, as to give the reservation of each town a square form. But if this cannot be done without creating too much dissatisfaction among the Indians, and compelling them to receive an improper proportion of poor land, you will then be at liberty to vary the locations, so that the reservations may have more breadth than depth. But under no circumstances will they be allowed so to make the locations, that these will extend continuously and unreasonably through the country. The length of the reservation of any one town, will in no case exceed double the width. Each tract will be located agreeably to the surveyed lines, with the exception of that of Benjamin Marshall. You will also locate in some proper place, and in one body, the twenty sections granted by the second article of the treaty; the twenty-nine sections provided for by the sixth article, will be located wherever you may think proper, and equitable and in one body, if the quality of the land will allow justice to be done to the parties; and if not, you will select two spots upon which these locations may be made. But you will observe, that where the grantees of these tracts possess improvements, their reservations must include them. You will select for Joseph Bruner, a half section, under the sixth article of the treaty.

You will also procure from the Creek chiefs an instrument, properly signed and witnessed, stating the persons to whom the tribe wish that the above-mentioned twenty-nine sections shall be granted.

You will be allowed five dollars a day, to include your services and expenses, while engaged in this duty. And you are authorized to employ an interpreter at a reasonable compensation, not to exceed \$2 50 a day, including his services and expenses, to aid you in your intercourse with the Creek Indians. These claims will be paid upon accounts to be certified by you.

It is the intention of the department to select you for the purpose of examining and reporting upon the Indian contracts for the sale of land. But that appointment will not be made out, till the locations are completed.

Very respectfully,

LEWIS CASS.

To LEONARD TARRANT,
Montevallo, Shelby County, Ala.

WAR DEPARTMENT,

Office Indian Affairs, June 25, 1832.

BROTHER: Your letter of the 21st of last month, to the Secretary of War, has been received, and I am directed to answer it.

Ocklenowah or Ichocatubbee, was entitled by the Choctaw treaty to a reservation of land, and had the right to sell it, or relinquish it. He has relinquished it to the Government for fifty cents per acre; and the choice having been freely made, he must be bound by this relinquishment.

Your friend and brother,

ELBERT HERRING.

OKLABBA, *Choctaw Chief.*

WAR DEPARTMENT,

Office Indian Affairs, June 26, 1832.

SIR: Sundry drafts have been presented at this department, drawn by you in favor of persons holding certificates for improvements abandoned by emigrated Cherokees. I presume you have made these drafts under the authority of your instructions respecting the first emigration, which, however, it was not intended should apply to the present; arrangements having been completed for remitting to you the sum required at your agency for this object, according to Major Currey's estimate. Of this you were notified on the 9th of May.

As this practice will be inconvenient, and lead to confusion, perhaps error, in the accounts, you will not draw on this department after the receipt of this letter, for any improvements relinquished by the Cherokees of Georgia. You will transmit a statement of all drafts drawn by you up to that date, showing the name of the payees, and the amounts, and the balance which will be due at your agency, under this head, after all those outstanding drafts are paid.

I enclose a copy of regulations, prepared by the Secretary of War, for the government of all persons connected with the Indian department; and am instructed specially to remind you of this general rule, that no drafts will be drawn by agents, for any object whatever, without specific authority.

Very respectfully,

ELBERT HERRING.

Capt. GEORGE VASHON.

WAR DEPARTMENT, *June 27, 1832.*

GENTLEMEN: For the purpose of enabling the department to carry into effect the treaty concluded with the Creek Indians, March 24, 1832, you are requested to execute the following duties:

1. With respect to the payment of the sum of \$100,000 provided for by the 9th article of that treaty. Of this sum \$8,999 25 have been paid to Mr. Brodnax, on the order of the Creek delegation who negotiated the treaty. A copy of this order is enclosed. You are requested to explain to the chiefs of the nation the fact of this partial payment; and prepare, upon their representation, a schedule of the debts due by the Creeks. You will then collect such testimony, whether oral or written, as may be sufficient in your opinion to establish the justice of these claims. The written evidence, together with a synopsis of the parole statements, you will transmit with your report. You will investigate the whole matter thoroughly, and take care that all fraudulent claims are rejected. The result you will report to the department, together with your own opinion upon the whole subject.

2. With respect to the stipulation in the 10th article of the treaty. You will procure and forward regular assignments to the United States from the persons or towns owning ferries, bridges, or causeways. You will ascertain the value of each of them, and the names of the persons entitled to payment. Transcripts of the judgments against the chiefs will also be obtained and forwarded, together with the places of residence of persons claiming the amount. A statement of the losses for which they suppose the United States to be responsible, together with such evidence and declarations in support thereof as can be collected, will be prepared and sent, together with the names of the persons who sustained such losses. You will ascertain what improvements were

made under the treaty of 1826, and by whom the value of such improvements and the persons to whom payment therefor should be made. You will report also the names of the persons who suffered in consequence of being prevented from emigrating, and the amount of the loss resulting therefrom. Your report upon these several points will be as much in detail as possible. In some cases it is necessary for the purpose of ascertaining the general facts, and of guarding against fraud; and in others, to enable the department to determine the persons justly entitled to payment; and, also, to make a proper apportionment, in case the amount of the claims should exceed the sum stipulated to be paid.

The most convenient time for executing these duties will probably be when the Indians are assembled to receive their annuities. The amount of these annuities has been placed in the hands of the agent, and you are requested jointly to see the payments made. All the annuities due to the Creeks are, by the 8th article of the above treaty, to be paid as they may direct. If they have no directions to give, you will cause the payments to be made agreeably to the instructions of June 18, 1830, given to the Creek agent. Should, however, the Creeks designate any other mode in which this business shall be done, you will pursue that mode unless, in your opinion, they have been led to make the suggestion by designing individuals, and to their own certain injury. In that event you will delay the payment, and report the facts to the department.

It has been represented that these Indians are desirous of selling their reservations, to which they are entitled under the above treaty, to the United States, and removing west of the Mississippi. This arrangement is highly desirable, if it can be effected upon reasonable terms. You are requested to consult with the Creeks, and propose this subject to them. You may state to them that, in the opinion of the Government, their immediate emigration can alone preserve them from injury, if not from ruin. That the President is disposed to allow them a liberal compensation for the cession they may make, both in the increasing of their annuity, and in the provision for such usual stipulations as may be useful to them. You will ascertain their views as much in detail as possible; and if they are disposed to remove, the terms they are disposed to accept.

Should you find it necessary, in order to carry into effect that part of these instructions relating to a cession of territory, to issue provisions to the Indians, you are authorized so to do, to an amount not exceeding five hundred dollars, for which you will draw bills upon this department. Your vouchers will be regular bills of parcels, together with the abstracts of issues, prepared in the manner prescribed by the regulations of the department.

No additional compensation will be allowed to the Indian agent for the execution of these duties. To Messrs. Parsons and Pickett five dollars a day each, in full for their services and expenses, will be allowed; but will not include any of the time for which compensation may be claimed by them for executing the instructions of this department of May 14, 1832.

The agent will advance such funds upon your joint order as may be necessary to have the money for the annuity conveyed to the place of payment.

Very respectfully,
LEWIS CASS.

Messrs. WM. R. PICKETT,
BENJ. S. PARSONS,
JOHN CROWELL.

WAR DEPARTMENT, *June 27, 1832.*

SIR: You will please to repair to Philadelphia or New York, and make the following purchases for the Government, in order to carry into effect various stipulations with the Indians. These purchases you will make of proper quality, and upon the best terms upon which they can be procured. Bills for the amount will be drawn by you upon the department, and duplicate invoices will be sent here for transmission to the proper persons.

Your extensive knowledge of the Indians, and of their tastes and wants, will enable you to make the most satisfactory selections. It is the object of the department to carry into effect all the stipulations of the Government, in a spirit of good faith and liberality.

Eighty blankets, twenty-five rifles, Russia sheeting to the amount of \$500, for the Ottaways of Blanchard's fork, and Osquanoxa's village.

One hundred blankets, ten rifles, and Russia sheeting, \$300, for the Shawnees and Senecas, of Lewistown, Ohio.

Two hundred blankets, Russia sheeting to the amount of \$300, for the Shawnees of Waupaghkonetta and Hog creek.

The above articles will be forwarded to James B. Gardiner, superintendent of the removal of the Indians in Ohio, and directed to him at Sandusky city, Ohio. A copy of the invoices will be sent to him by the person from whom you make the purchases; and he will be advised of the time, and of the person to whom they will be sent at Sandusky city.

You will also purchase for the Choctaws 1,500 rifles and 1,050 blankets. These you will cause to be forwarded to such place as you may deem most convenient; and the distribution of which will be made by yourself, after your arrival among these Indians, west of the Mississippi.

For executing this duty you will be allowed your expenses, to be paid upon your own certificate.

Very respectfully, &c.,

LEWIS CASS.

Major F. W. ARMSTRONG.

WAR DEPARTMENT,

Office Indian Affairs, June 27, 1832.

SIR: In obedience to your direction to report upon the claims of Cobb and Daniel, presented by Mr. Thomas Harrison, for improvements abandoned by Cherokee emigrants, I have the honor to state, that the objection to the payment of the certificates held by the claimants, was threefold.

1. No advice of the transfer of the certificates to them by the Indians had been received from Major Currey or the agent; and the certificates having been issued for several and parts of several improvements together, their correctness could not be tested by the valuation rolls received at this office.

2. The payment of them here would interfere with the arrangement, of which Major Currey had been notified, for remitting funds for these objects to Colonel Montgomery.

3. That two accounts would thus be opened, here and at the agency, of the entries in one of which the other must be constantly advised, and thus confusion and error would be unavoidable.

Besides, there was, at the time the claims were presented, no appropriation out of which they could be paid. But since that date, drafts of Mr.

Vashon, for the same objects, have been paid; and as Colonel Montgomery's letter gives these certificates something of the character of drafts, they also may be paid; but Colonel Montgomery should be directed not to sanction the sending on of others.

I have the honor to be, &c.,

Hon. LEWIS CASS,

Secretary of War.

ELBERT HERRING.

WAR DEPARTMENT, *June 27, 1832.*

SIR: The funds for the payment of the annuities due to the Indian tribes within your superintendency, for the present year, with the exception of those for the Sacs and Foxes, both jointly and separately, and those for the Sacs, Foxes and Ioways, have been remitted to you. The latter annuities have been withheld, in consequence of the existing difficulties with the Indians upon the Mississippi frontier. They will await the ultimate settlement of these difficulties, and the issue of any arrangement which may be made.

The information now before the department does not enable me to ascertain whether any tribe, except the Sacs and Foxes, are engaged in hostilities against the United States. We have as yet no evidence that any but the two latter are so engaged. But the facts must be clearly investigated, before the payment, for which funds are now remitted, are made. If the principal part, or what may be considered the legitimate authority of any of the tribes, entitled, by treaty stipulations, to these payments, is or shall be engaged in these hostilities, no annuities will be paid to such tribe. If, however, individuals belonging to any tribe have joined the disaffected Indians without the co-operation of the principal part, or proper authority of such tribe, the annuity will be paid as usual to the neutral, or peaceable portion. But under no circumstances will any part of the annuities be paid to any individual, or to the family of which such individual is the head, who has been engaged in hostilities. You will please to give the necessary instructions to the various agents and disbursing sub-agents, making these payments, to carry into effect the views of the department on this subject. They will be very rigid in their inquiries, and will use all the means in their power to investigate the conduct of suspected individuals.

How far the main body of the Sacs and Foxes may be engaged in the present hostilities, I cannot tell. But it is deemed prudent to withhold the annuities till all the necessary facts are before the Government. You will please to cause special reports to be made upon this subject, communicating all the information which can be collected.

One of the annuities is jointly due to the Foxes, Sacs and Ioways. If you will indicate the proper distribution to be made of this annuity, the amount assigned to the Ioways shall be forwarded, if they preserve their fidelity to the United States.

I will thank you to assure Keokuk, and the friendly Sacs and Foxes, that this is only a precautionary measure, adopted under present circumstances, until full information can be procured of the conduct of their respective tribes. Let them know that the Government appreciates their fidelity, and will take care that full justice is done to them. You may also inform them that these difficulties will not pass away like those in which they have been heretofore engaged. The United States will not suspend

their operations till the Black Hawk and his party are reduced to unconditional submission, and such a lesson taught them as will secure their future good conduct, and will reach every tribe east of the Rocky mountains. Tell them their only chance of preservation is to remain quiet; and that course I trust they will take. If their countrymen now feel the justice of the United States, they must attribute their calamity to the unprovoked aggressions and cruelties of which they have been guilty.

Very respectfully, &c.,

LEWIS CASS.

General WILLIAM CLARK.

WAR DEPARTMENT, *June 28, 1832.*

SIR: In answer to your letter of the 24th instant, I have the honor to enclose you a copy of the report of the officer in charge of the Indian bureau, and to state, that instructions have been given to place the name of Amelia Trahern on the register, on the production of the certificate referred to in the report.

Very respectfully, &c.,

LEWIS CASS.

Hon. F. E. PLUMMER.

WAR DEPARTMENT,

Office Indian Affairs, June 27, 1832.

SIR: In obedience to your direction to report upon the case of Amelia Trahern, presented by the hon. F. E. Plummer, I have the honor to state, that although the register of names of orphan Choctaw children, to be provided for by the Choctaw treaty of 1830, forwarded to the department by Gen. W. Ward, does not contain the name of Amelia Trahern, yet there is reason to believe, from the letter of Gen. W. Ward, of the 24th of May last, to the hon. Mr. Plummer, and herein enclosed, that the name of Amelia Trahern ought to have been inscribed in that register.

It appears from the letter of Gen. Ward, that he was requested to enter the names of three orphans of the name of Trahern; one male and two females, which he did, on his memorandum book; that Mackay, an interpreter, went afterwards through the nation, by Gen. Ward's order, to take down the names of parents and children, and their ages; and that he reported only two orphans of the name of Trahern; and being asked why the name of Amelia was not on his register, he replied that she was sixteen or seventeen years of age, and that he did not think her entitled to the provision of the treaty. It further appears, that Gen. Ward was told that both her parents were dead; and that he, Ward, knew that her father had a wife when he died, who was not the mother of Amelia; and that he was acquainted with Wesley Trahern, the father of the three children named in Mr. Plummer's letter, of whom Amelia was one.

I am of opinion, from this explanatory letter of Gen. Ward, that the name of Amelia Trahern was improperly omitted, and ought to have been inserted in the aforesaid register, transmitted to the department.

I am of opinion that Peggy Trahern was the second or subsequent wife of Wesley Trahern; and that provision for her and her two fatherless children, Letha and the boy, was made by the 2d art. of the supplement to the afore-

said treaty; and that Amelia was the daughter of the said Wesley Trahern by a former wife; that both her parents were dead; and that she is entitled to a quarter section of land, under the 19th art. of the said treaty.

The name of Amelia Trahern ought, however, to appear on the aforesaid register, or there should be a certificate by Gen. Ward, that the name was omitted, and ought to have been inserted in said register. Gen. Ward should, therefore, be written to for such a certificate.

I have the honor to be,

ELBERT HERRING.

Hon. LEWIS CASS, *Secretary of War.*

WAR DEPARTMENT,

Office Indian Affairs, June 28, 1832.

SIR: The hon. Mr. Plummer has presented to this department his correspondence with you on the subject of Amelia Trahern's right to a reservation, under the last Choctaw treaty.

Upon the facts stated by you, her right is acknowledged; but to supply the omission of her name on the register you transmitted, and to put the department in possession of a sufficient voucher, you are directed to forward a certificate, stating that her name was omitted, and ought, in your opinion, to be inserted in the register of orphan Choctaw children.

Very respectfully, &c.,

ELBERT HERRING.

Col. WILLIAM WARD.

WAR DEPARTMENT, *June 28, 1832.*

SIR: In answer to your letter of the 24th instant, I have the honor to enclose a report of the officer in charge of the bureau of Indian affairs, relative to the claim of David W. Wall, to a reservation of land granted to him under the treaty of Dancing Rabbit creek, which expresses the views of the department upon the subject.

Very respectfully, &c.,

LEWIS CASS.

Hon. F. E. PLUMMER.

WAR DEPARTMENT,

Office Indian Affairs, June 28, 1832.

SIR: I have the honor to state, in relation to the case of Daniel W. Wall, presented by the hon. F. E. Plummer, that by the 2d article of the supplement to the treaty of Dancing Rabbit creek, a section of land was allowed to the said Wall, to include his then residence and improvement.

It appears by a letter of Wall's father, that D. W. Wall had no building or improvement on any land; that he was, at the date of the treaty, teaching school temporarily, in the southeastern section of the nation; but that his permanent residence was in his father's house. If it be taken for granted that the said D. W. Wall is, at all events, under the treaty, entitled to a section of land, then the only question is, as to its location. It cannot include his improvements, because he has none; nor can it include his residence, because that is with his father, to whom, by the same treaty, there is

an allowance of land, to include his own residence. It results, therefore, in order to give the provision effect, that the section must be located on some unimproved and unoccupied land; and to have the location adjoin that of his father, with whom his son resides, would, perhaps, best comport with the spirit of the provision. But as it may have been represented to the commissioners, as an inducement to this reservation, that D. W. Wall had made improvement on land occupied by him, it is respectfully submitted that the department decline acting on this matter; and that the claimant be referred to Congress for the ascertainment of his rights.

I have the honor to be, &c.,

ELBERT HERRING.

Hon. LEWIS CASS, *Secretary of War.*

WAR DEPARTMENT,

Office Indian Affairs, June 29, 1832.

SIR: I have the honor to report upon the request of Mrs. Susannah Graham, communicated to the department, by the honorable Mr. Plummer, on the 28th instant.

Mrs. Graham's name was returned to this office, by Maj. Armstrong, as a head of a family, who wished to become a citizen, under the 14th article of the treaty of 1830. As such, she would be entitled to a section of 640 acres, and each of her two unmarried children would be entitled to a section of 320 acres. Of these sections, they would be entitled to receive a deed in fee simple, if they resided upon and cultivated them for five years after the ratification of the treaty.

Mrs. Graham's present request is, that the Government would release her from this engagement, to become a citizen, and permit her to take a reservation under the 19th article of the treaty.

That article granted a section of 640 acres to heads of families, (not to exceed forty in number,) who, during the year 1830, had, in actual cultivation, fifty acres or more, with a dwelling-house thereon. It granted nothing to other members of the family. It appears that not more than ten or eleven persons have taken reservations under this article, and Mrs. Graham is, in all respects, within its provisions. To entitle herself to all the benefits of them, however, she should have signified her wish to do so, prior to the 1st of January, 1832, which she did not do, and of course has lost her right, if her request be granted, to relinquish to the United States, but may sell to individuals, with the consent of the President.

If the Government possess the power, under the treaty, to release Mrs. Graham from her engagement to become a citizen, I think it would be for the public interest to permit her to take a reservation under the 19th article, as she requests.

I have the honor to be, &c.,

Hon. LEWIS CASS,

ELBERT HERRING.

Secretary of War.

WAR DEPARTMENT, *June 30, 1832.*

SIR: In answer to your letter of the 26th instant, I have the honor to enclose a report from the bureau of Indian affairs, by which you will perceive that no relief can be granted in the case of Mrs. Graham, presented by you.

Very respectfully, &c.,

Hon. F. E. PLUMMER.

LEWIS CASS.

WAR DEPARTMENT, June 30, 1832.

SIR: In answer to your letter of the 27th instant, I have the honor to transmit a report of the officer in charge of the bureau of Indian affairs, from which you will see the facts in relation to the claims of Isaac and William Keys, Lunar Riley and James Coodey, to Cherokee reservations, and the views of the department upon the subject.

Very respectfully, &c.,

LEWIS CASS.

Hon. W. THOMPSON.

WAR DEPARTMENT,

Office Indian Affairs, June 29, 1832.

SIR: With respect to a claim of compensation from the Government, on behalf of Isaac Keys, William Keys, Lunar Riley, and James Coodey, for reserves of land alleged by them to have been surrendered, and asking the privilege of locating, in the Arkansas Territory, a quantity of land equal to that surrendered by them, I have the honor to observe, that information was obtained from the Commissioner of the General Land Office, that the claims of Isaac Keys and William Keys, for reserves of land, under the treaty of 1817, were rejected.

I would further state, that a report on file in this office, dated Knoxville, 7th February, 1821, and made by R. Houston, commissioner, contains the following entry, viz.

“Looney Riley registered for a reserve; suspended, on the ground that he was not, at the time of the treaty, a head of an Indian family; that he lived with his mother as one of her family; and further, that his mother had her claim valued and paid for by the United States, and that his claim is for the very land paid for.”

It appears, therefore, that the claims of the three first named persons were long since rejected. And, with respect to the claim of James Coodey, I can find nothing in the office by which it would appear that he was ever entitled to a reservation of land. If he was, his removal therefrom forfeited the right, and it reverted to the United States, according to a provision of the treaty.

But, if their right to reservations was perfect, it would not be competent for the department to locate the land in the Territory of Arkansas.

I have the honor to be, &c.,

ELBERT HERRING.

Hon. LEWIS CASS,

Secretary of War.

WAR DEPARTMENT, June 30, 1832.

SIR: I have the honor to enclose you a report from the Indian bureau, on the subject of the complaint of the Pottawatamies in Indiana, mentioned in your letter of the 20th instant.

As returns of the locations alluded to have been made to the General Land Office, I have transmitted your letter to the commissioner, for such consideration as the subject demands.

Very respectfully, &c.,

LEWIS CASS.

Hon. THOMAS EWING.

WAR DEPARTMENT,

Office Indian Affairs, June 29, 1832.

SIR: In reply to the letter of the honorable Mr. Ewing, of the 22d instant, referred to this office, I have the honor to make the following report:

By the second article of the treaty of the Wabash with the Pottawatomies, "a strip of land, commencing at Lake Michigan, and running thence on the Wabash river, one hundred feet wide," was ceded by the tribe to the United States for a road. Also, "one section of good land contiguous to the said road for each mile of the same; and, also, for each mile of a road, from the termination thereof, through Indianapolis, to the Ohio river, for the purpose of making a road aforesaid, from Lake Michigan, by the way of Indianapolis, to some convenient point on the Ohio river."

The General Assembly of Indiana were authorized "to locate said road, and to apply the said sections, or the proceeds thereof, to the making of the same or any part thereof; and the said grant shall be at their sole disposal."

No report has been made to this office, of the proceedings of the Legislature of Indiana, or of the commissioners appointed by that body. Such report would probably be made to the Commissioner of the General Land Office, in whose office the surveys and plots must be recorded.

I have honor to be, &c.,

ELBERT HERRING.

Hon. LEWIS CASS,

Secretary of War.

WAR DEPARTMENT, *June 30, 1832.*

SIR: I transmit you, herewith, a letter from the honorable Thomas Ewing, respecting the location of certain sections of land in the State of Indiana. As these locations are returned to your office, and no record of them exists here, the subject is referred for your consideration.

Very respectfully, &c.,

LEWIS CASS.

Hon. E. HAYWARD.

WAR DEPARTMENT,

Office Indian Affairs, June 30, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, in which you request permission to draw upon the department for four hundred dollars, to cover the expenses of an investigation, to be made jointly by yourself and Col. McElvain.

I am instructed by the Secretary of War to state to you that the investigation, being confined to a single point, will probably consume but little time; that no secretary will be required, nor the presence of many Indians; that the inquiry being for the accommodation of the Indians, the friendly interposition of the Government cannot be subjected to greater expense than a reasonable compensation to yourself and Col. McElvain, while conducting the investigation.

I enclose copies of regulations and forms, signed by the Secretary of War, intended for the government of persons in the Indian department. A copy

of each you will please to hand to Col. McElvain; the others you will retain.

Very respectfully, &c.,

ELBERT HERRING.

Col. JAMES B. GARDINER.

WAR DEPARTMENT,

Office Indian Affairs, July 2, 1832.

SIR: Your two letters, of the 20th of March last, to the Secretary of War, with the accompanying papers in relation to the sale of the personal property of the Senecas, the valuation of their improvements, and the distribution of the \$6,000 fund, were received here on the 31st of May last, enclosed in a letter from Gen. Wm. Clark, and I am instructed to reply to their contents.

The valuation of the improvements, and the consequent distribution among them of \$6,000, must be considered to have been gratuitous on your part. Not having received any instruction from the department, your proceedings must be viewed as a friendly interposition, in consequence of the tribe having declined the valuation and apportionment of the chiefs.

A compensation of thirty dollars will be allowed you for your agency in the sale of the personal property of the Senecas; which sum, together with your expenditure of \$58, will be paid, on receiving the proper vouchers therefor.

With great respect, &c.,

ELBERT HERRING.

HENRY C. BRISH, Esq.

WAR DEPARTMENT, *July 2, 1832.*

SIR: You are hereby appointed superintendent for the removal of the Choctaws. Your duties will be confined to the country east of the Mississippi; and specific instructions will be given to you for their execution by the Commissary General of Subsistence, to whom your communications will be addressed. I enclose a copy of the regulations which have been adopted on the subject of Indian migration, by which you will see the general nature of your duties, and the compensation which will be allowed to you.

Very respectfully, &c.,

WILLIAM ARMSTRONG, Esq.

LEWIS CASS.

WAR DEPARTMENT,

Office Indian Affairs, July 2, 1832.

SIR: You will receive herewith a copy of the regulations and forms, prepared by the Secretary of War, for the government of persons connected with the Indian department; with which a strict compliance will be required.

Very respectfully, &c.,

ELBERT HERRING.

Gen. JOHN CAMPBELL.

[Same to JEHIEL BROOKS, WM. ARMSTRONG, each one copy.]

[Same to his Excel. JOHN POPE, for self and Mr. HANNUM, each one copy.]

[Same to his Excellency WM. P. DUVAL, for self and sub-agents, 5 copies.]

WAR DEPARTMENT, *July 2, 1832.*

SIR: I have the pleasure of informing you that the treaty with the Green Bay Indians has been ratified, with such conditions as I trust will render it acceptable to the parties interested. Immediate measures will be taken to procure their assent to the changes proposed.

Very respectfully, &c.,
LEWIS CASS.

THOMAS L. OGDEN, Esq.

WAR DEPARTMENT,
Office Indian Affairs, July 2, 1832.

SIR: The Secretary of War has directed the payment of the notes and due bills contained in the annexed list; he has given this direction very reluctantly, as this mode of paying for improvements, abandoned by emigrated Cherokees, conflicts with arrangements previously made for remitting to you the funds required for this object, and can hardly fail to introduce confusion into the accounts. To guard against this, as far as possible, the sum will be deducted from the amount to be remitted, according to Major Currey's estimate, and charged to you on the books here. The notes and due bills are enclosed, and you will include them in your account of disbursements, under this head; upon the receipt of which account, the amount of them will be passed to your credit.

I am further instructed to direct you not to draw upon the department for this or any other object, without specific authority.

Very respectfully, &c.,
ELBERT HERRING.

Col. H. MONTGOMERY.

WAR DEPARTMENT, *July 4, 1832.*

SIR: Information has reached this department, that the Ottaways, of the Maumee, are desirous to sell their lands to the United States and remove west of the Mississippi. You are, therefore, authorized to select some suitable person to visit that tribe, with instructions to ascertain whether this information be correct; and if so, the terms upon which they will sell. The person thus employed by you, will discourage any proposition the tribe may make to send a deputation to explore the country beyond that river. Experience has shown that no good results from such a course; and the tribe, therefore, if they will agree to relinquish, must also consent that the Government shall select a location for them, as it has done for other tribes.

The compensation of the person you may send upon this duty, will be five dollars a day, to include his services and expenses. He will make a full report to you of his proceedings, which, when received, you will communicate to the department.

I have the honor to be, &c.,
LEWIS CASS.

His Excellency GEORGE B. PORTER.

WAR DEPARTMENT, *July 5, 1832.*

SIR: I enclose herewith a copy of a letter from Col. Gadsden, and of one from this department to him. You will perceive by these the object of the Government; and should circumstances prevent Col. Gadsden from executing these instructions, the President requests that you will carry them into effect.

I have the honor to be, &c.,

His Excellency W. P. DUVAL.

LEWIS CASS.

WAR DEPARTMENT, *July 5, 1832.*

SIR: I have received and submitted to the President your letter of May 31, 1832, and I am now to communicate to you his views thereon.

He wishes you to seek an interview with the Indians interested in the reserves you describe upon the Apalachicola river, in Florida, being sixteen sections or fractions, containing about 10,140 acres. There are no objections to the amount demanded, \$9,000, for the value of the land. But the other sums required for the expenses of emigration and subsistence, and for the payment of their cattle, amounting to twenty-six thousand and twenty dollars, would make the purchase a very dear one for the United States. Nor is it in the power of the department, in the present state of the funds applicable to such objects, to pay the whole amount that may be stipulated, before an appropriation can be asked for. You will, therefore, propose to the Indians to pay them a sum, in no event exceeding thirty thousand dollars, in full for their land, the expenses of emigration and subsistence, and for all their other claims. Ten thousand dollars of this amount you can draw for as soon as the arrangement is made with them; the rest will be paid as soon as an appropriation can be obtained, and from time to time, within one year, as their circumstances may require. It will of course be applied by themselves. Should this arrangement be acceptable, you will take from them an absolute conveyance of all their lands in Florida, to the United States, stating therein the amount you may pay, together with the sum remaining due, the periods fixed for payment.

If the Indians should prefer having the United States issue provisions to them, instead of purchasing themselves, that course may be adopted, with the understanding, however, that the amount so to be issued, when added to the sums allowed, shall not exceed the maximum, before mentioned, of \$30,000.

You will be allowed eight dollars a day for your services, and five dollars for every twenty miles you may travel, in executing this duty. But it is not considered necessary that any secretary should be employed, nor any other expense incurred.

It has been suggested to the department, that these Indians are desirous an annual appropriation should be made for the education of their children. Should this be so, the department has no objection to a stipulation for that purpose, to a reasonable amount, depending for its fulfilment upon the appropriation of Congress, but not making it an indispensable condition of the arrangement.

A copy of this letter has been sent to Gov. Duval, and should it be inconvenient for you to execute the duties herein specified, he has been requested to carry these instructions into effect.

Very respectfully,

LEWIS CASS.

Col. JAMES GADSDEN.

WAR DEPARTMENT, *July 5, 1832.*

SIR: I return the letter of the sub-agent of the Choctaws, to the surveyor of public lands south of Tennessee river, and referred by you to this department. With respect to this subject, I wish merely to observe, that as the Indians appear indifferent to the running of the line, and not anxious to attend, I think it will be proper for the deputy surveyor to proceed to this duty without them.

Very respectfully,
LEWIS CASS.

E. HAYWARD, Esq., *Commissioner.*

WAR DEPARTMENT,
Office Indian Affairs, July 5, 1832.

GENTLEMEN: Your joint letter of the 16th ult. has been received, with the enclosed valuation roll.

You will please accept the thanks of the department for the general information you communicate. Until the prospect of an arrangement with the Cherokees is more clearly defined, it is impossible to say what services will be required. When this point is determined, your requests for further employment will be respectfully considered. Mean time you will omit no means nor opportunity of prosecuting the work in which you are now engaged.

You will not accede to the request of any Cherokees, that the valuation of their improvements may be postponed, except in case where the probable addition to the premises will not, in your opinion, greatly enhance their value, or where refusal will prevent, not only the individual but many others, from enrolling. You must exercise a sound discretion upon this point; and should you, at any time, need more precise instruction, you will refer to Major Currey.

Very respectfully,
ELBERT HERRING.

JAMES M. C. MONTGOMERY, and
WILLIAM M. DAVIS.

WAR DEPARTMENT,
Office Indian Affairs, July 7, 1832.

GENTLEMEN: Some time ago you submitted an account for hoes furnished L. Blake, agent for the western Creeks, which could not then be paid, for want of funds applicable to the object.

There are now funds from which you can be paid. One cask of the hoes furnished has been returned as unsuitable, to be exchanged for one of better quality. The cost of the casks originally furnished, and of the one you may give in exchange, you will include in one bill, and the amount shall be remitted to you.

The new cask you will send to Gen. Campbell, Fort Gibson.

Mr. Shaw felt himself authorized to engage, for the same agency, an addi-

tional quantity of hoes, which, as no appropriation has been made, the department cannot now receive.

Very respectfully,
ELBERT HERRING.

J. P. DARLINGTON & Co.,
Pittsburgh, Pennsylvania.

WAR DEPARTMENT,

Office Indian Affairs, July 9, 1832.

SIR: In reply to your inquiry as to the sale of reservations, under the treaty with the Pottawatamies, at the Wabash, on the 16th October, 1826. I have the honor to state, that George Cicott made application to sell his reservation, and that it was approved; but to whom, and when sold, and for what consideration, does not appear from any thing in this office.

That Mr. and Mrs. Cicott (formerly Nancy Burnett) sold her reservation to the United States, November 3d, 1830, for \$1,000.

That Louisson sold his reservation to Scott, Bell, and McBean, and that it was approved 20th September, 1828; but for what consideration does not appear.

Other applications for the sale of reserves have been made; but the papers of this office do not exhibit the result; they were referred to the Land Office.

An answer will be given to-morrow to your other questions. Who are the proprietors of certain quarter sections of land particularized in your memorandum?

I have the honor to be,
Your obedient servant,
ELBERT HERRING.

Hon. JONATHAN McCARTY.

WAR DEPARTMENT,

Office Indian Affairs, July 10, 1832.

SIR: The late treaty with the Florida Indians makes provision for sending a deputation of seven chiefs, with an interpreter and agent, to explore the country, intended for their future residence west of the Mississippi. The total expenses of that exploring party, from their departure to their return, are estimated at \$3,000, but will not probably exceed \$2,750. Fifteen hundred dollars will be remitted to you, to be handed over to the conducting agent of the party, before its departure, and for which advance you will take a proper voucher, and forward it to the department. That sum will be quite or nearly sufficient to defray the expenses of the expedition, till its return to New Orleans. If, however, the agent should sooner require additional funds, he will draw on the department, giving notice thereof, and taking care to keep expenditures within the narrowest compass. In the estimate of \$3,000, every possible expense has been included, embracing the compensation of the agent, and in no event must the expenditure exceed that amount, but will probably fall short of it. Major Phagan, if he wishes it, will conduct the party as agent, and he will be allowed two dollars per day, while engaged in the service, besides his expenses, and in addition to his

present pay as agent. If he should decline going on these terms, you will be pleased to appoint some other trusty and suitable person to accompany them, allowing him not more than three dollars a day, besides expenses, and as much less as you can effect.

It is important the party should set out in season, to be in Arkansas early in October next, that the accompanying agent may make a report to the commissioners, who it is expected will be appointed, and then be there for the adjustment of all Indian affairs west of the Mississippi.

As it is the settled policy of the Government, to reduce the expenses of the Indian department to the lowest limit, it is deemed unnecessary to appoint a sub-agent during the absence of Major Phagan.

I have the honor to be, &c.,

ELBERT HERRING.

His Excellency W. P. DUVAL,
Governor of Florida.

WAR DEPARTMENT,

Office Indian Affairs, July 11, 1832.

BROTHERS: Your petition addressed to the Secretary of War, for permission to visit Washington, that you may see your great father, has been received.

Your father, the Secretary of War, requests me to inform you, that commissioners will be appointed to visit your nation, and kindle the council fire. He hopes you will meet them with a friendly feeling, and listen to the propositions they will make to you about your lands.

As it will be necessary for you to be at your own homes when the commissioners come among you, which will probably be when the leaves of the forest trees change their color, your great father cannot grant you permission to visit him, although it would give him pleasure to take you by the hand.

Your friend and brother,

ELBERT HERRING.

To the CHIEFS of the *Pottawatamie nation.*

WAR DEPARTMENT, *July 12, 1832.*

SIR: In answer to your letter of the 24th ult., I have the honor to observe, that the general views of the President, on the subject of the relations existing between the Cherokees and Georgia, are fully disclosed in his message to the Senate of February 22d, 1831, and I do not see that any thing which I can add can render these views more distinct.

The President does not consider that he has any right to interfere in any question between these Indians and the State of Georgia. At the same time, he is very anxious that they should agree to emigrate, and should migrate to the country west of the Mississippi.

Upon the speedy adoption of this measure, he believes their prosperity, if not their existence, depends; and, in answer to your enquiry, I have no hesitation in expressing to you this apprehension, that any act disturbing the

possessory right of the Indians, might eventually embarrass the Government, and delay the accomplishment of the object he has in view.

Very respectfully,
LEWIS CASS.

General NEWNAN.

WAR DEPARTMENT,
Office Indian Affairs, July 12, 1832.

SIR: Your letter of June 18th has been received. The Government having appointed three persons, to carry into effect the late treaty with the Creeks, your application properly refers itself to them.

The Indian agent, with Col. Pickett and Major Parsons, to whom this duty has been committed, have been instructed to prepare a schedule of all debts due by the Creeks; to collect all the oral or written testimony, bearing upon each case, and to report the whole, with their opinion, to this department. Until that report is received, no individual claim can be paid from the fund provided for in the treaty. For should the amount of the claims exceed the amount appropriated, there must be a pro rata distribution.

Your best course, therefore, will be to attend the meetings of these commissioners, and lay before them your claim, that it may be embraced in their report.

Very respectfully, &c.,
ELBERT HERRING.

To WILLIAM HARDIN, Esq.

WAR DEPARTMENT, *July 14, 1832.*

SIR: Should a general council of the Cherokee nation be convened, and their determination be in favor of making a treaty, it is desirable that the 1st of October be fixed upon, as the time for the meeting of the delegates and commissioners, as I shall be absent from the seat of Government until that period. Should however the Indians prefer meeting at an earlier day, commissioners will be appointed immediately upon advising the department in your next communication.

Very respectfully,
LEWIS CASS.

ELISHA W. CHESTER.

WAR DEPARTMENT, *July 14, 1832.*

SIR: I have the honor to submit the following appointments, to be laid before the Senate of the United States:

William Clark, Francis J. Allen, and Nathan Kouns, to be commissioners to carry into effect the act of Congress, approved July 14, 1832, entitled "an act to provide for the extinguishment of the Indian title to lands lying in the States of Missouri and Illinois."

I have the honor to be, &c.,
LEWIS CASS.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, *July 14, 1832.*

GENTLEMEN: You are hereby appointed commissioners to carry into effect the act of Congress providing for the extinguishment of the Indian title to lands lying in the States of Missouri and Illinois.

You will convene these Indians together, at such times and places as you may find convenient, and open a negotiation with them for the cession of their lands in Illinois and Missouri, and for their removal to the country west of the latter State.

It is impossible for the department to prescribe the terms upon which this arrangement should be made, and all the details must be confided to your judgment and discretion. You will observe, however, that this is not a case of ordinary purchase of Indian land, for here the Government will provide for these Indians a place of permanent residence. The consideration therefore to be paid, if any, must be smaller than usual, and must depend on the value of the cession to be obtained, and of the district to be assigned to the Indians.

You are at liberty, in the arrangements you may stipulate, to make the customary provisions for such agricultural implements as may be useful to the Indians, and for the purposes of education, &c.

No annuity you may find it necessary to grant, will exceed the term of twenty years. You will observe that the sum of \$46,000 is appropriated for the purpose of carrying into effect the provisions of the act.

You will take care to so control your expenditures, as to leave enough of this appropriation to remove the Indians, and to subsist them during the year; and for these latter objects, Gen. Clark will make the necessary arrangements. I need scarcely add, however, that the Government confidently trusts all your expenses will be regulated by a strict regard to economy.

The position to be selected for these Indians, must be referred to your judgment. Commissioners have been appointed to arrange all questions of difficulty now pending, in relation to the Indians west of Missouri and Arkansas, copies of their instructions have been sent to Gen. Clark. You will perceive from them the objects of the Government, and the mode pointed out for attaining them. It is desirable the sites selected for the Missouri and Illinois Indians, should be as near the Missouri river as practicable, in order to interfere as little as may be with the plan marked out for the adjustment of the difficulties to which I have alluded. You will keep these commissioners advised of such of your proceedings as may be useful to them.

In the purchase of provisions, presents, &c., you will take regular bills of parcels, and you will transmit therewith certificates, and abstracts of distribution and delivery, for settlement. Gen. Clark's knowledge and experience upon this subject, render it unnecessary to enter into as much detail as would otherwise be proper.

I do not doubt but your proceedings will be correct and satisfactory.

Major Langham has been appointed your secretary. Should he not serve, you will appoint some other person to do that duty.

You will be allowed eight dollars per day, for each day while employed in this business, and eight dollars for every twenty miles of travel. Your secretary will, in like manner, receive five dollars a day for his services, and five dollars for each twenty miles of travel.

I have the honor to be,

Yours, &c.,

LEWIS CASS.

P. S. You will keep a journal of your proceedings which will be transmitted with your reports.

L. C.

General WILLIAM CLARK,
FRANCIS J. ALLEN, }
NATHAN KOUNS, } Esqs.

WAR DEPARTMENT, *July 14, 1832.*

SIR: You are hereby appointed secretary to the commissioners for the extinction of Indian title in the States of Illinois and Missouri.

You will report to them for duty, and you will be allowed five dollars a day, in full compensation for your services, and five dollars for every twenty miles of travel, in going to and returning from the place of holding the treaty.

Very respectfully,
LEWIS CASS.

Maj. ANGUS L. LANGHAM.

WAR DEPARTMENT, *July 14, 1832.*

SIR: I have the honor to submit the following appointments, to be laid before the Senate of the United States.

William Carroll, of Tennessee, Montfort Stokes, of North Carolina, Roberts Vaux, of Pennsylvania, to be commissioners for the purpose of carrying into effect the act of Congress entitled "an act to provide for the appointment of three commissioners to treat with the Indians, and for other purposes," approved July 14, 1832.

I have the honor to be, &c.,

LEWIS CASS.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, *July 14, 1832.*

GENTLEMEN: You will receive herewith a commission, appointing you to visit and examine the country set apart for the emigrating Indians, west of the Mississippi, a copy of the law authorizing the appointment, and a map of the country referred to. To one of you will also be sent a volume of Indian laws and treaties.

You will please to notify the department, without delay, of the acceptance or non-acceptance of this appointment; and if you accept, you will proceed to Fort Gibson, on the Arkansas, and reach that place by the first of October, at which period your duties will commence.

You will make yourselves acquainted with the claims of the western Creeks and Cherokees. The principal men of these tribes you will call together. On investigation, it will be found that there are interfering claims, arising under the treaties with them, and from the settlements they have made without a previous adjustment of their respective boundaries, which can best be accommodated by procuring the assent of these parties. The nature and ground of these claims I need not state here, as you will better understand them by an examination of the treaties and the explanations of the parties. It is the wish of the President that the subject should be satis-

factorily arranged, if possible; and this will best be done by a full and public investigation of the whole matter, and by inducing both Creeks and Cherokees to yield some part of their conflicting claims. I feel confident that the country extending from the Red river north to the reservation called the perpetual outlet, and bounded on the east by the Territory of Arkansas, and on the west by the Mexican line, is amply sufficient for all the Creeks and Cherokees in the United States. The Indians generally have a very incorrect idea of the superficial extent of a country, or of the quantity of land required for their subsistence; and I am apprehensive that there are, among both of these tribes, individuals who endeavor to take advantage of this ignorance, and to induce the Indians to ask much more than is necessary. This effort you will strive to counteract, and, by candid explanations, to satisfy the Indians upon this subject. There are probably 20,000 Creeks in Alabama, 4,000 Seminoles in Florida, who are connected by consanguinity and manners with the Creeks; and about 10,000 Cherokees in Georgia, Alabama, Tennessee and North Carolina, who are yet to emigrate. It is the intention of Government that the different parts of the same tribe should be united together in their new country, so that the Creeks and Cherokees should each form but one people. You will keep this object in view, and make it the basis of your operations with these Indians.

The Chickasaws, amounting to about 4,500, are yet to emigrate; but the site of their location is not determined upon. Though it is believed an agreement will be made with the Choctaws for the reception of all the Chickasaws among them, in the country assigned to the former between the Red river and the Canadian, still the attempt may fail; and, therefore, it becomes necessary, in your permanent arrangements, to have in view a proper site for the eventual location of the Chickasaws.

A deputation from the Seminoles will probably visit the country west of the Mississippi during the present season, and while you are there. They have ceded their possessions in Florida, upon the condition that a suitable country can be found for their residence in the tract set apart for the emigrating Indians. The person in charge of them will be instructed to conduct the delegation to you, and their satisfactory establishment will form one of the objects committed to you.

The Ohio Indians, with the exception of the Wyandots, amounting probably to near 1,500 persons, are under treaty stipulations to emigrate this fall. It is not known that any difficulty will occur in their establishment, as their places of residence are fixed in the treaties. Should, however, any dissatisfaction arise, you will investigate the subject, and make the best arrangement you can to dispel it. There are, probably, yet about 500 Indians in Ohio, who will, ere long, remove. You will also point out a proper place for their establishment, near their kindred tribes.

There may be, perhaps, 1,500 Indians, possibly 2,000 in Indiana, Illinois and Michigan, who are yet to emigrate. Provision has been made, at the present session of Congress, for holding a treaty with them, and for procuring their removal. The commissioners, authorized to conduct this negotiation, have been instructed to stipulate that the Government will furnish them with a suitable and sufficiently extensive country for their residence, to be selected under the direction of the President. That this stipulation may be carried into effect, should it be made, you will point out a place for their location. Those commissioners have been further instructed, if these Indians are unwilling to cede their possessions without a previous examina-

tion of the country, to make with them a conditional arrangement, allowing them to proceed to the region west of the Mississippi, and to satisfy themselves concerning its advantages, leaving the treaty to become absolute should they eventually report favorably. If a deputation for this purpose arrive while you are in the performance of your duties, you will endeavor to make a selection for them which will be agreeable.

A treaty will also be held with the Kickapoos, Shawnees, and Delawares, of Missouri, and with the Piankeshaws, Weas, Peorias and Kaskaskias, of Illinois, for the cession of their lands in these States respectively. The commissioners appointed to hold this treaty, will be directed so to provide for the location of these Indians, in the event of a successful issue to their negotiation, as to interfere as little as possible with the various important subjects committed to you. Gen. Clark, who will be one of them, has a perfect knowledge of all the affairs relating to the Indians, and the Government has great confidence in his experience and judgment. He will be requested to correspond with you, and to give you the benefit of his views. A copy of your instructions will be sent to him.

These constitute all the tribes, or portions of tribes, for whom it is necessary to make provision, in the district assigned for the permanent residence of the Indians.

You will perceive that the general object is to locate them all in as favorable positions as possible, in districts sufficiently fertile, salubrious and extensive, and with boundaries, either natural or artificial, so clearly defined as to preclude the possibility of dispute. There is country enough for all, and more than all; and the President is anxious that full justice should be done to each, and every measure adopted be as much to their satisfaction as is compatible with the nature of such an arrangement.

With a view not only to make room for the adjustment of existing difficulties, and for the location of some of the tribes who are yet to emigrate, but also to bring together bands which are connected by language and habits, I consider it expedient to effect a removal of the Osage Indians from their present reservation, to a district adjoining the Kansas. You will open a negotiation for that purpose, and endeavor to procure an exchange upon reasonable terms. By the 5th article of the treaty concluded with the Osages, June 2d, 1825, certain reservations were granted to the individuals therein mentioned. As these reservations interfere with the permanent location of the Indians, and as complaints upon that subject have already been made, it is desirable to extinguish the titles thus created. You will therefore endeavor to obtain the assent, for a reasonable consideration, of these persons, to a transfer of their claims to the United States. Should the Osages require it, you can make provision for carrying into effect the arrangement authorized to be made by Gen. Clark, with the sanction of this department, for the removal of the Hopefield band, and for the payment of their improvements. Copies of the papers relating to this matter are enclosed.

It is an important object with the Government to establish a permanent peace among all the tribes, indigenous or emigrant, west of the Mississippi. The fear of hostilities arises from the habits and dispositions of the Panis, Camanches, and their kindred tribes. It is impossible for the department, with the information before it, to point out the best mode in which these tribes can be approached, and a final termination put to their hostile and predatory incursions. The whole subject is referred to you. You will take the best measures to effect the object, after having procured all the necessary

information. I consider this among the most important subjects committed to you. By the act of May 28, 1830, the Government has guarantied protection to all emigrating Indians; and the pledge, thus given, can only be redeemed by the employment of a sufficient protecting force, or by inducing all these tribes to live in amity with one another. This latter course is, in every point of view, the most advisable.

In any negotiation you may find it necessary to form with the Indians, the stipulations you may make will not be absolute, but will depend upon the final ratification of the Senate.

In the execution of the duty respecting a plan for the Government and security of the Indians, you will report, in detail, all the information you can procure, concerning their present and probable future condition, which can be useful in the determination of the questions of their government and intercourse. Your own judgment, aided by such information as may be afforded you upon the spot, must guide you in your views of this matter. Its importance is apparent, as on its decision may rest the future fate of all these tribes; and, in the great change we are now urging them to make, it is desirable that all their political relations, as well among themselves as with us, should be established upon a permanent basis, beyond the necessity of any future alteration. Your report upon this branch of the subject will be laid before Congress, and will probably become the foundation of a system of legislation for these Indians.

I do not observe, in examining the act providing for your appointment, that there are any other clauses requiring particular remarks. The general objects of the law are plain, and I trust you will find no difficulty in carrying them into effect.

The great question of Indian education is one which has produced much diversity of sentiment. I am anxious you should investigate the subject thoroughly, and report your opinion thereon, together with any plan which may occur to you, for the instruction and improvement of the tribes. In addition to this, it is desirable you should examine the amount of the funds which, by treaty stipulations, are applicable to the purposes of education; and report the best mode in which they can be expended. A general and practicable plan, for the accomplishment of this object, is very much needed.

You will also ascertain whether any of these tribes are desirous of commuting their permanent annuities for a limited one; say, not exceeding twenty years in duration. It is desirable to carry this measure into effect, if practicable, and if it can be accomplished without injury to the Indians. It appears to me that, after they have commenced their agricultural operations, larger payments than are now made to them will be useful, in clearing land and making improvements, and would soon enable them to support themselves comfortably; and I believe that this process would improve their condition more than the annual division of small sums among them, for an indefinite period. The latter practice is injurious, as well in consequence of the mode in which the money is generally applied, as by preventing the Indians from depending upon their own exertions.

I enclose you copies of communications from General Clark, respecting a claim of the Panis to a tract of country which has been assigned to the Delawares. This subject you will investigate; and, if you find the Panis claim correct, you will endeavor to make such an arrangement as will be

satisfactory to them. The suggestions of Major Dougherty are entitled to weight, and the plan proposed by him is referred for your consideration. The measure intimated by Major Cummins, of concentrating the Delaware Indians, is also worthy of your notice. It is important, in the permanent establishment of the Indians, that the tribes should not be broken into fragments, but that the portions of each should be brought together. Your particular attention is requested to the existing difficulties between the Delawares and the Panis.

A part of the mounted rangers, recently authorized to be raised by an act of Congress, will be ordered to repair to Fort Gibson, to attend you in the execution of your duties; and the commanding officer at that post will be directed to comply with any requisitions you may make upon him, with respect to the distribution of the troops, and the furnishing of such facilities as you may require, during your continuance in the country.

The Government has, for some time, had it in contemplation to display a force, and particularly a mounted one, in that region. Such a measure cannot but be useful; the impression it will make will be salutary and permanent.

The assistant commissary, at Fort Gibson, will be directed to issue such supplies of provisions to the Indians as you may demand; but it is not thought that these need be very extensive, as it will not be expedient to collect the Indians from a considerable distance at that point.

General Clark, superintendent of Indian affairs, at St. Louis, and the different Indian agents upon that frontier, have been instructed to afford such aid as you may require and they can render, towards the accomplishment of the objects of your mission.

Your compensation will be eight dollars a day for every day employed upon this business, excepting, however, the time engaged in travelling; during which, you will be allowed eight dollars for every twenty miles of travel. A secretary will be appointed, at five dollars a day for his services, and five dollars for every twenty miles of travel. These accounts will be adjusted upon your vouchers, stating the time and distance, and certified by you to be correct.

Should you find it necessary to purchase provisions or presents for the Indians, you will take bills of parcels therefor, regularly receipted; and you will accompany them with certified abstracts, showing the distribution of the property purchased.

Enclosed you will receive a copy of the regulations, which have been recently adopted. So far as these regulations apply in the execution of your duties, you will please to observe them.

You can employ such interpreters, and other persons, to aid you, as you may find necessary.

You may draw upon the department to the amount appropriated by law; but your expenditures, including your own compensation, will, in no event, exceed that sum.

You will keep a full journal of your proceedings; in which you will enter all your speeches, messages, and addresses to the Indians, and their answers to you.

From the information before me, I am inclined to think "the perpetual outlet," as such, useless; and that, in your arrangements, it will be expedient to include the reservation so called, in the tract you may assign to one of the tribes; the consent of the Indians interested in the outlet being first obtained.

You will please to examine the condition of the several agencies you may visit, and report whether any reduction of the number of officers, or of the amount of expenses, be, in your judgment, practicable.

If you have opportunity, you will also please to inspect the schools established on the funds of the Government, and report a plan of management and instruction, and such improvements as may occur to you.

A number of medals and flags, for Indian chiefs and warriors, will be sent to the assistant commissary at Fort Gibson, to be placed at your disposal.

Colonel A. P. Chouteau has been, for many years, a resident in the Indian country, and is intimately and extensively acquainted with the condition of the tribes, their mutual relations and habits; and the Government places great reliance in his integrity and general intelligence. I, therefore, recommend to you, on your arrival at the scene of your operations, to consult freely with him, and to avail yourselves of the information he possesses, and will cheerfully communicate. He has been written to upon this subject.

I have the honor to be, &c.,

LEWIS CASS.

His Excellency WM. CARROLL,

His Excellency MONTFORT STOKES, and
ROBERTS VAUX, Esq.

WAR DEPARTMENT, *July 14, 1832.*

SIR: You are hereby appointed secretary to Governor Carroll, Governor Stokes and Roberts Vaux, esquires, the commissioners authorized "to treat with the Indians, and for other purposes," agreeably to the act of Congress, of July 14, 1832.

You will repair to Fort Gibson, upon the Arkansas, by the 1st day of October, where you will meet, and report yourself for instructions to the commissioners.

You will receive five dollars a day, while executing your duties; and five dollars for every twenty miles travel, in going to and returning therefrom.

I have the honor to be, &c.,

LEWIS CASS.

To Col. S. C. STAMBAUGH.

WAR DEPARTMENT, *July 14, 1832.*

SIR: Commissioners have been appointed to visit and examine the country set apart for the emigrating Indians, west of the Mississippi. They have been entrusted with the adjustment of all subjects of difference between the tribes, and with various other important duties.

I have mentioned you to these gentlemen as one whom a long acquaintance with the Indian country, and with the Indian character and affairs, had peculiarly qualified to aid them in the discharge of their duties, and assured them of your ready co-operation.

I request that you will communicate freely with them, and give them the benefit of your opinions, and in every other way which they may require, assist them in the performance of the various and difficult duties committed to them.

Very respectfully, &c.,

To Col A. P. CHOUTEAU.

LEWIS CASS.

WAR DEPARTMENT, *July 14, 1832.*

SIR I enclose, herewith, a copy of the instructions which have been issued to the commissioners authorized to adjust the existing difficulties with the Indians west of the Missouri and Arkansas. These instructions will give you a full view of the objects to be accomplished, and of the duties to be performed by the commissioners. You will please to correspond with them, and to communicate such information as you think may be useful to them.

Respectfully, &c.

LEWIS CASS.

Gen. WM. CLARK.

WAR DEPARTMENT, *July 14, 1832.*

GENTLEMEN : An act of Congress, passed the present session, authorizes the appointment of three commissioners to hold treaties and to extinguish Indian titles within the States of Indiana and Illinois, and the Territory of Michigan.

You have been selected to perform this duty, and you will receive herewith your respective commissions, and to one of you will be sent a copy of the act referred to, and a volume of Indian treaties and laws.

You will please to notify the department without delay, of your acceptance or non-acceptance of this appointment. If you accept, you will communicate with each other, and determine upon a time and place for meeting, and entering upon the duties thereby devolved upon you.

It is the object of the Government in this measure, to extinguish entirely, so far as it can be effected, the native title to all Indian lands in the State of Indiana, and so much of the lands of the Pottawatamies, as lie in the State of Illinois, and the Territory of Michigan, and to procure the removal of the tribes, now occupying them, west of the Mississippi.

It is desirable, that any arrangement you may make to accomplish this object, should be based upon the condition that the Indians, if they consent to emigrate, should also agree that their location west of the Mississippi, should be selected by the Government, and its extent be as great as the President may think required by their numbers and habits. Should the Indians refuse positively to negotiate, under an impression that the country beyond the river is unsuitable, unhealthy, or insufficient, you may then enter into a conditional arrangement, allowing them to send a deputation to examine that region. If, after such visit and examination, they signify their acceptance of the tract designated for them, the treaty will be binding upon them, and depend only upon the ratification of the Senate. As these exploring expeditions, however, have been expensive, and sometimes fruitless, you will not assent to such a measure, unless you should be convinced that an arrangement cannot otherwise be effected.

You may consent, on the part of the Government, to the insertion in the treaties you may form, of provisions for transportation and subsistence, for furnishing implements of agriculture, rifles, blankets, &c., and for education, similar to those in the recent compacts with the southern and southwestern Indians, proportioning them to the actual numbers of the respective tribes. No annuity will be granted for a longer term than twenty years; and in determining the amount, you will perceive that the sums heretofore

granted, furnish no just criterion, inasmuch as in addition to the pecuniary stipulations, a country is now provided for the Indians, suited to their habits, and sufficient for their numbers and wants.

Should it not be practicable to complete an arrangement with all the tribes, the present year, you will so limit your expenditures that there will be a fund reserved, with which another effort may be made the next season, when possibly the Indians may be more inclined to negotiation and removal.

Commissioners will be appointed to adjust all unsettled Indian concerns west of the Mississippi; and, among other things, they will have it in charge to ascertain proper locations for the tribes with whom you are authorized to frame treaties. When their report is received, the Government will be prepared to designate the positions for those tribes who shall have entered into treaty engagements.

The surveyor of public lands in Missouri and Illinois, will be requested to send to one of you a map of the Indian country in Illinois; and the surveyor-general to furnish a map of the lands in Indiana, and in Michigan, south of Grand river, to which the native title has not been extinguished.

The Indian agents at Chicago, and on the Wabash, will be directed to carry into effect the instructions they may receive from you, relating to the object of your mission, and generally to co-operate with you in accomplishing the purposes of the Government.

Your compensation will be eight dollars a day, for every day employed upon this business, excepting the time spent in travelling, during which you will be allowed eight dollars for every twenty miles of travel.

Mr. Henry Hoover has been directed to report to you, as your secretary. He will be allowed five dollars a day, to include his services and expenses, and five dollars for every twenty miles of travel. These accounts will be adjusted upon vouchers, stating the time and distance, and certified by you to be correct.

Should you find it necessary to purchase provisions or presents for the Indians, you will take bills of parcels therefor, regularly receipted; and you will accompany them with certified abstracts, showing the distribution of property purchased.

You are authorized to employ interpreters, if others than those attached to the several agencies are needed, and such other persons to aid you as you may find necessary.

To defray the expenses of your mission, you are hereby empowered to draw upon this department, to the amount appropriated by law. You will in no event exceed that amount; and I rely upon your care for the public interest to bring your expenditures as far within it, as may be practicable consistently with the attainment of the objects of the Government.

You will keep a regular journal of your proceedings, and an account of your expenses, which, with the regular vouchers for the latter, you will transmit to this department, as soon after the close of your negotiations as possible.

I have the honor to be, &c.,

LEWIS CASS.

To Hon. JONATHAN JENNINGS,
Dr. JOHN W. DAVIS, and
MARKS CRUME, Esq.,

WAR DEPARTMENT, *July 14, 1832.*

SIR: You are hereby appointed secretary to the commissioners, authorized to procure the extinction of Indian title, in the States of Indiana and Illinois, and the Territory of Michigan, and you will report to them for instructions.

Your compensation will be five dollars a day, for every day actually employed, except while travelling, at which time you will receive five dollars for every twenty miles. Your account will be adjusted and paid by the commissioners.

Very respectfully,

HENRY HOOVER, Esq.

LEWIS CASS.

WAR DEPARTMENT, *July 14, 1832.*

SIR: Commissioners have been appointed to extinguish the Indian title to such of the lands of the Pottawatamies as lie within the State of Illinois and the Territory of Michigan.

I have to request that you will please to transmit to Jonathan Jennings, esq., at Charleston, Indiana, one of these commissioners, a map of the Indian lands in Illinois, which they will frequently need, during the progress of their labors.

I am, &c.,

LEWIS CASS.

To ELIAS T. LANGHAM, Esq.,

Surveyor of Public Lands, St. Louis.

WAR DEPARTMENT, *July 14, 1832.*

SIR: Jonathan Jennings, John W. Davis, and Marks Crume, esqs., of Indiana, have been appointed commissioners for the purpose of holding Indian treaties, and of extinguishing Indian title within the State of Indiana, and to so much of the lands of the Pottawatamies as lies within the State of Illinois and the Territory of Michigan.

If, in the execution of their duties, they should require your aid and co-operation, it is the wish of the department that you should grant it, and afford them every facility in your power for accomplishing the objects of the Government.

I am, sir, &c.,

LEWIS CASS.

WILLIAM MARSHALL, Esq., *Logansport, Indiana.*

[Same to T. J. V. OWEN, *Indian Agent, Chicago, Illinois.*]

WAR DEPARTMENT, *July 14, 1832.*

SIR: I have to request that you will forward to Jonathan Jennings, esq., one of the commissioners recently appointed to hold treaties with some of the tribes in the States of Indiana and Illinois, and in the Territory of Michigan, a map of the lands in the State of Indiana and the Territory of Michigan south of Grand river, to which the native title has not been extinguished.

Very respectfully,

LEWIS CASS.

MICAJAH T. WILLIAMS, Esq.,

Surveyor-General.

WAR DEPARTMENT, *July 16, 1832.*

SIR: You were notified, from the Indian bureau, on the 10th instant, that commissioners would probably be appointed to visit the country west of the Mississippi. I have now the honor to inform you, that the nomination of persons to perform that duty has been confirmed by the Senate. The gentlemen appointed have been instructed, if they accept, to repair to Fort Gibson by the 1st of October next.

As these commissioners have been intrusted with the adjustment of all questions, relating either to the indigenous or emigrant tribes, you will order Major Phagan, or whoever may accompany the Seminole deputation, to proceed direct to Fort Gibson, and report to the commissioners; and in his subsequent movements, he will be guided by their instructions.

I have the honor to be, &c.,

JOHN ROBB,
Acting Secretary of War.

His Excellency WM. P. DUVAL.

WAR DEPARTMENT, *July 16, 1832.*

SIR: Commissioners have been appointed by the Government to take cognizance of, and finally settle, all questions of difference among the western Indians.

The subjects mentioned in the memorial of the Osage nation to the President, of January last, have been specially submitted to them. And I have to request that you will say to the Osages, that their great father relies upon their keeping the promise made in that memorial, "that they would be governed by the advice of said commissioners."

These commissioners have not been appointed at the request of the Creeks or Cherokees, as the Osages supposed they would be; but by the advice and consent of his great council, to take care of the interests of all his red children. I hope the Osages will meet them in peace.

The department requires and depends upon your cordial co-operation with the commissioners, in accomplishing the objects of the Government.

Very respectfully,

JOHN ROBB,
Acting Secretary of War.

Col. P. L. CHOUTEAU, *Osage Agent.*

WAR DEPARTMENT, *July 16, 1832.*

SIR: The Government has authorized commissioners to proceed to the country west of the Mississippi. Should they visit your agency, or require your aid, it is the wish of the department that you should do all in your power to render their mission successful, and further the views of the Government.

Very respectfully,

JOHN ROBB,
Acting Secretary of War.

MARSTON G. CLARK, Esq.,
Kansas Agent.

Similar letter to

JOHN CAMPBELL, *Creeks west.*

GEORGE VASHON, *Cherokees west.*

J. DOUGHERTY, *Panis, &c.*

R. W. CUMMINS, *Delawares.*

DEPARTMENT OF WAR, *July 18, 1832.*

SIR: I have had the honor to receive your letter of the 7th inst. I regret that your public duties should have been interrupted by so severe a domestic affliction.

The department approves of the course you have taken, to make known to the nation at large the favorable propositions of the Government, as it may have the effect to create an influence superior to that of the leaders. It has been intimated here, that the common Indians were suspicious the chiefs would make a treaty, without their knowledge or consent. It will be well to meet this with an assurance that the Government will sanction no arrangement which is not for the benefit of the whole tribe.

The Government has, on another occasion, decided, that "our laws make no provision for the occupation of the country" on the Oregon river, "nor for any negotiation with the Indians for that purpose." The President, therefore, cannot authorize you to give any countenance to the project of removing to that region; were it otherwise, such a measure would not be for the advantage of the Indians themselves, inasmuch as it would remove them beyond the most distant of our frontier settlements, where neither succor nor protection could be afforded them.

I am not aware of any recent appropriation having been made for the purchase of Cherokee reservations in North Carolina. By an act of Congress, approved March 2, 1829, twenty thousand dollars were appropriated to this object. Generals Saunders and Posey were commissioned to disburse this fund, and in December, 1829, they reported the completion of their duties.

I have, &c.,

JOHN ROBB,

Act. Sec'y. of War.

To E. W. CHESTER, Esq.,
Spring Place, Cherokee nation.

WAR DEPARTMENT, *July 18, 1832.*

SIR: I have received your letter of June 29th. In reply to so much as relates to the coming into the nation of persons with merchandise, whiskey, &c., I have to say, that the department does not consider it expedient to direct the employment of a military force to effect their removal.

You must exercise the greater vigilance to prevent the Indians from becoming so embarrassed by debts to these persons, as that it will be difficult for them to remove.

The interval to elapse before their departure is so brief, that it is not advisable to take any strong measures.

A requisition has issued in your favor for \$18,000, the amount of the annuities due within your agency the current year. You will make no payment from this fund until the arrival of Major Armstrong, who is associated with you, by direction of the Secretary of War, in the duty of disbursing it. Should circumstances, however, occur to prevent his remaining a sufficient length of time at the agency to fulfil this trust, you will execute the duty alone.

A representation has been made to the department, by some of the chiefs, urging the payment from their annuity of the balances due from the nation

to Grant and Clement, and Glover and Gaines. Your attention is particularly directed to this subject.

Very respectfully,

JOHN ROBB,

Acting Secretary of War.

Col. WILLIAM WARD.

WAR DEPARTMENT, July 19, 1832.

SIR: Major Cummins has enclosed to the department your letter of October 1st, 1831, on the subject of the annuities to the two Delaware chiefs, and asked, if he would be authorized to pay the amount of one of them to a brother of Lapahnihilee?

It does not appear, from any thing on file, or on record, that Major Graham was authorized to pay the annuity to the brother, or indeed, that he communicated the death of the chief.

The department regarding the grant as a personal contract, has directed Major Cummins to remit to you the amount he will receive this year for this object, which you will please to account in your returns.

Very respectfully,

JOHN ROBB,

Acting Secretary of War.

Gen. WILLIAM CLARK.

WAR DEPARTMENT, July 19, 1832.

SIR: The Government having made provision for the removal of the Choctaw nation of Indians, from within the limits of Mississippi to the country set apart for them beyond the river, I have the honor to request that you will attend at the agency, at the time of their departure.

The object of the department in requiring your services, is to prevent the entrance of white persons into the nation, before the removal of the nation is effected, either for purposes of trade, or for taking possession of the lands vacated; and also to assist the superintendent and agents in keeping the Choctaws free from impediments thrown in their way by persons holding fraudulent or overcharged accounts against them.

In the execution of this duty you will maintain a conciliatory deportment, and you will have recourse to coercive measures only when the enforcement of the laws, and the fulfilment of treaty obligations, to which the public faith is pledged, render such a measure indispensable.

You will be informed by Wm. Armstrong, esq., the superintendent for the removal of the Choctaws, or by Major F. W. Armstrong, of the time when your presence will be required.

Very respectfully,

JOHN ROBB,

Acting Secretary of War.

ANTHONY CAMPBELL, Esq.,

Marshal of Mississippi.

DEPARTMENT OF WAR, July 19, 1832.

SIR: I have received your letter of June 2d, enclosing one from General Clark, both on the subject of the annuity due to the two principal chiefs of the Delawares.

There is no communication from Major Graham on file, nor any evidence that he was authorized to pay the annuities to any relative of either of the chiefs. Your letter, in fact, gives the first information of the death of Lapahniilee.

As the grant of the annuity was made to them by name, as individuals, and not as chiefs of the nation, it must be regarded as a personal contract between them and the Government. The grant, of course, can have no effect in favor of any other person after their decease.

The annuity to Anderson is not included in this year's estimates; and that for Lapahniilee, which has been remitted, you will return to General Clark, who will be held accountable for it.

Very respectfully, &c.,

JOHN ROBB,

Acting Secretary of War.

Major R. W. CUMMINS.

WAR DEPARTMENT, *July 19, 1832.*

SIR: You are hereby appointed, in conjunction with Benjamin S. Parsons, of Santa, Jackson county, to take the census of the principal chiefs, and of the heads of families, under the treaty concluded with the Creek Indians, March 24, 1832.

You are also appointed to execute the duties prescribed in the accompanying paper, dated June 27, 1832.

I enclose copies of the instructions given to Major Parsons and Colonel Pickett, in relation to the first commission, and to the same gentlemen and Col. Crowell, in relation to the last. You will consider them as addressed to yourself in place of Col. Pickett, who has declined the appointment.

If you accept, you will perceive there is a necessity for your proceeding immediately to the execution of the duties entrusted to you.

I have the honor to be,

JOHN ROBB,

Acting Secretary of War.

Gen. ENOCH PARSONS.

WAR DEPARTMENT, *July 19, 1832.*

SIR: You are hereby associated with Colonel Ward, agent for the Choctaws east, in the disbursement of the annuity of eighteen thousand dollars, for which a requisition has issued in his favor. While in this city, Colonel Ward informed the department that the whole of this amount had been advanced to the nation in merchandise, &c., by Glover and Gaines, and others. You are particularly requested to scrutinize all the accounts of the parties to this transaction, and to accede to no adjustment of them which is not clearly fair and equitable for the Choctaws.

You are aware that commissioners have been appointed to hold treaties, &c., with the tribes, indigenous and emigrant, west of the Mississippi. Among other things, they are charged with the negotiation with the Choctaws, for the admission upon their lands of the Chickasaws, if it shall not have been already concluded by the gentlemen heretofore engaged in that duty. The department relies upon you to give the commissioners all the aid which your personal influence with the Choctaws, and your knowledge of the country, and of Indian character, may enable you to render.

Your attention is also specially directed to the persons who have entered the nation, without a license for the purposes of trade. You need not be told how important it is, that the Choctaws should not be involved in debts at the moment assigned for their departure for the west.

Agreeably to your suggestion, instructions will be given to the marshal of Mississippi to attend at the agency, to assist you in effecting, quietly and quickly, the removal of the Choctaws. You will please to apprise him of the time when his presence will be necessary.

Very, &c.,

JOHN ROBB,

Acting Secretary of War.

Major F. W. ARMSTRONG.

WAR DEPARTMENT, *July 19, 1832.*

SIR: I have received your letter of the 7th instant. The claims to which Mr. Davis called the attention of the department, have been since paid, and Messrs. Montgomery and Vashon instructed not to sanction the sending on of any other certificates.

The department has been informed by Mr. Chester, that he had requested your enrolling agents to suspend their operations, until the issue of the attempts at negotiation, now making through him, shall be known. You will please to comply with this request, at the same time you and they may do much to promote the views of the Government, without obtruding yourselves upon the Cherokees.

Very respectfully,

JOHN ROBB,

Acting Secretary of War.

To Major BENJAMIN F. CURREY, Esq.

WAR DEPARTMENT, *July 19, 1832.*

GENTLEMEN: I have the honor to enclose a copy of a letter presented by Colonel Chouteau to the department.

This is submitted to you at his request; and I have to ask that you will investigate the subject upon your arrival at the Creek Agency west, and give such direction for the final settlement of this matter, as the facts and the law, may, in your opinion, warrant.

Very respectfully,

JOHN ROBB.

Acting Secretary of War.

To his Excellency WILLIAM CARROLL, and OTHERS,

Commissioners.

WAR DEPARTMENT, *July 20, 1832.*

SIR: Since writing to you yesterday, it has been suggested to me, that the injury you sustained upon your return from Baltimore, may prevent your acceptance of the appointment to take the Creek census. Should this be the case, it is the wish of the department, that Major Parsons and yourself should select some person to perform that duty.

With respect to the instructions of the 27th of June, it is the earnest request of the department, that you would execute them in person. If it should not be possible, you will please to transmit them to William Aylett, esq., of Tuscaloosa, who, in that event, will consider them as having been addressed to himself.

This letter is written to provide for a possible contingency, but the department will be most gratified, if you should consent to act under the instructions of the 14th of May, and the 27th of June.

You will please to inform the department at an early day, of your determination, and of the arrangements you may make, should you decline either or both of the appointments offered to you.

I have, &c.,

JOHN ROBB,

Acting Secretary of War.

General ENOCH PARSONS,

Tuscaloosa, Alabama.

WAR DEPARTMENT, *July 20, 1832.*

SIR: Annexed you will receive a copy of a letter sent this day to General Parsons, the object of which, is to prevent any delay, should that gentleman decline either or both of the commissions tendered to him.

I trust that he will accept; but if otherwise, the department asks your special efforts to complete the arrangements in season, to commence operations at an early day.

I have, &c.,

JOHN ROBB,

Acting Secretary of War.

Major BENJAMIN S. PARSONS,

Santa, Jackson County, Alabama.

WAR DEPARTMENT, *July 20, 1832.*

SIR: I have had the honor to receive your letter of the 10th inst.

With regard to the jealousies entertained by the common Indians of their chiefs, in consequence of an impression that the latter "have been bribed to betray the country," you are authorized to give the most distinct assurances that the Government has no secret understanding with the chiefs, and will sanction no treaty in which the interests of all portions of the tribe are not equally provided for.

You will have learnt from my letter of yesterday that Congress alone can authorize the establishment of a colony at the mouth of the Oregon, or the purchase of lands from the natives of that region. You will permit me to add, that this project does not seem to have been well considered by the Cherokees.

It is true there is a vast extent of unoccupied country, but it is surrounded and roamed over by numerous tribes, fierce in their disposition, warlike in their habits, unacquainted with the advantages, and despising the restraints of civilization. What could the Cherokees do, unaccustomed as they are to war, with wealth sufficient to attract these roving savages, in an encounter with enemies, superior in number, familiar with the country and habituated to its climate? Obviously they must fall before the invader.

It is more than probable, as you state, that settlements will soon be made upon the Columbia river. But will they not be, as almost all new colonies, so formed, have been, composed of men of low character and bad principles; of that class whose association has always been fatal to the Indians.

With these views of the probable results of such a measure, you will perceive the Government would subject itself to the imputation of cruelty to the red men, if it were to countenance a project for their removal to a place where its protecting arm could not reach them, and to which the transmission of their annuities and of supplies would be all but impracticable.

Upon the other hand, if the Cherokees remove beyond the Mississippi, they will retain all the advantages, over the other tribes in that region, which their superior improvement gives to them; they may become the head of a federative Union; and they will be within the oversight and guardianship of the United States, until the advances of the other tribes in wealth and civilization, shall qualify them all for an independent government.

You will avail yourself of these hints, and of such others as your own good judgment may suggest, to discourage this project of the Cherokees, and to reconcile them to the decision of the Government upon this subject.

Major Currey, the superintendent for the removal of the Cherokees, has been directed to suspend the operations of his enrolling agents, until the result of your efforts at negotiation is known.

I have, &c.,

JOHN ROBB,

Acting Secretary of War.

To E. W. CHESTER, Esq.,

Spring Place, Cherokee nation.

WAR DEPARTMENT, *July 20, 1832.*

SIR: I have had the honor to receive your letter of the 5th inst.

In the execution of your duties, you will consider the boundary line, established by the State of Georgia, as the true line.

In your instructions of April 5th, you were told, that "when a person is removed beyond the boundary line, he will be left entirely free." He is then without the jurisdiction of the General Government. This rule must govern your conduct in relation to the persons you mention, as residing within a mile or two of the improvements of the Indians.

I am, &c.,

JOHN ROBB,

Acting Secretary of War.

ROBERT L. CRAWFORD, Esq.,

Marshal, So. Dist. Alabama.

WAR DEPARTMENT, *July 21, 1832.*

SIR: Major Armstrong is authorized to receive, and you are directed to pay to him, the proportion of the annuity due to the Choctaws who have emigrated west of the Mississippi.

I am, sir, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Col. WILLIAM WARD, *Choctaw Agency.*

WAR DEPARTMENT, *July 21, 1832.*

SIR: The several memorials and petitions of the Choctaws, upon the subjects of reservations and stolen property, which you have presented to the department, at their request, have been placed on file in the office of Indian affairs; and a proper disposition of them will be made at the next session of Congress.

I am, sir, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To Major F. W. ARMSTRONG,
Agent for Choctaws west.

WAR DEPARTMENT, *July 21, 1832.*

SIR: I have received your letter of the 11th inst. Upon learning that you declined the appointment to take the census of the Creeks, it was presumed the same reasons would prevent your acting under the instructions of the 27th of June.

The President, therefore, directed that a commission should be sent to Gen. Enoch Parsons, to perform all the duties which were originally entrusted to you.

The same gentleman was also instructed as to his course, in the event of his not being able to accept that commission. You will perceive that it is not now in the power of the department to answer favorably your application in behalf of your son.

I am, sir, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To Col. WILLIAM R. PICKETT,
Vernon, Antauga county, Alabama.

WAR DEPARTMENT, *July 23, 1832.*

SIR: You are hereby appointed, by direction of the President, a commissioner for the purpose of carrying into effect the act of Congress, entitled "an act to provide for the appointment of three commissioners to treat with the Indians, and for other purposes," approved July 14th, 1832.

You will receive herewith a copy of the instructions to Governor Carroll, Governor Stokes, and Roberts Vaux, esq., the latter of whom has declined the commission offered to him. A copy of the map will be forwarded in a few days, and your commission, when the appointment shall have been acted upon by the Senate.

I have, &c.,

JOHN ROBB,
Acting Secretary of War.

To HENRY L. ELLSWORTH, Esq., *Hartford, Conn.*

WAR DEPARTMENT, *July 23, 1832.*

SIR: I had the honor, this morning, of receiving the letter, which you addressed to the Secretary of War, on the 21st instant, in which you com-

municate the reasons which have induced you to decline the appointment of commissioner to hold treaties with the Indians west of the Mississippi.

I read this decision with very sincere regret, which, I know will be felt by the Secretary of War, when he shall receive the copy of your communication which will be sent to him. Your letter was not opened until after the departure of the President, but he learned that you had declined from another source.

The result of the efforts now making, with the approval and co-operation of many of your personal and political friends, to induce the Cherokees to become parties to a treaty, is yet too uncertain to authorize me in giving any assurances as to appointments, should they be eventually successful. The Secretary of War will learn from your letter your willingness to accept such appointment; and I know it will gratify him to avail himself of your aid, if no engagements exist, to forbid it.

You will perceive that I speak of a negotiation with the Cherokees as distinct from the questions affecting them, which have been submitted to the commissioners appointed. The latter relate to the territory to be assigned to them, and to the boundary lines between themselves and the Creeks, which have long been subjects of controversy. The negotiation with them for a cession and removal, involves other considerations. Should the Cherokees, however, consent to an arrangement for a treaty before these commissioners have entered upon this branch of their duties, the whole question of boundaries would probably be referred to the gentlemen selected by the President to conduct the negotiation.

I have, &c.,

JOHN ROBB,

Acting Secretary of War.

To ROBERTS VAUX, Esq., *Philadelphia.*

WAR DEPARTMENT,

Office Indian Affairs, July 25, 1832.

SIR: The heirs of Francis Duchoquet, deceased, claim a portion of the tract of land, of ten miles square, at Waupaghkonetta, reserved for certain persons by the treaty concluded with the several Indian tribes at the foot of the rapids of the Miami of Lake Erie, the 29th September, 1817.

By the schedule referred to in the treaty, and forming a part thereof, the said tract was to be equally divided among a number of Shawnees therein mentioned, amounting to one hundred and forty-three; and which division would give to each one, so named, about four hundred and forty-seven acres.

Among those, so named in the said schedule, is Sowaghkota, or Yellow Clouds.

By a certificate, dated December 8, 1831, and signed by John Johnston, who was Indian agent at and long after the conclusion of the said treaty, it appears that the Indian name of the said Francis Duchoquet was Sowaghkota; and he further certifies, that it was the intention of the chiefs, of himself, and the other officers of the Indian department, that said Duchoquet's name should have been in the schedule, and entitled to land, as well as all other individuals therein named.

From the foregoing certificate of John Johnston it would appear that Duchoquet's Indian name is included in the schedule, because such was the

intention; and because the literal variation in the last syllable of the name is not such as would induce a belief that it was intended for another, but that it probably arose from transcribing the name.

In addition to this, the Shawnee chiefs of Waupaghkonetta, by deed dated the 20th March, 1821, granted to the said Francis Duchoquet, his heirs and assigns, for ever, out of the said tract reserved at Waupaghkonetta, "one half section of land, of three hundred and twenty acres, at a place called Cotoseka, on the north side of the Auglaize river, to be, as near as the meanders of the river will admit, in a square form, the upper side of the said tract, to include the cabin which the said Duchoquet has lately erected on the said land, the tract to extend down the river from the said cabin for quantity, but not to extend above the cabin under any pretence."

The above-mentioned deed or conveyance was executed in open council, at Piqua, in Ohio, on the 20th of March, 1821, by Catewekesa, or Black Hoof, head chief of the Shawnee nation, Biaseka, or the Wolf, Lollaway, or John Perry, chiefs of the said nation, in presenee of John Johnston, Indian agent, and James McPherson, assistant agent, and was afterwards approved by James Monroe, President of the United States.

The eleventh section of the treaty of April 6th, 1832, with the Shawnee tribe of Indians, provides, that any claims which Francis Duchoquet may have, under former treaties, to any quantity of land ceded by that treaty, are not to be prejudiced by it, but to remain valid as before.

From the preceding facts it is submitted, whether the herein before mentioned grant by the Shawnee chiefs, should not be referred to the General Land Office, that the land of Duchoquet, as described in the aforesaid deed of 1821, may be surveyed, and marked by metes and bounds, so as to confirm to his heirs whatever right their ancestor may have had to land in the said tract of ten miles square, previously to its cession by the treaty of April 6th, 1832.

I have the honor to be, with great respect,

Your obedient servant,

ELBERT HERRING.

To JOHN ROBB, Esq.,

Acting Secretary of War.

WAR DEPARTMENT, *July 26, 1832.*

SIR: The enclosed report from the officer in charge of the Indian bureau, will inform you of the course pursued in relation to Mr. Duchoquet's claim for a part of the Shawnee reserve, near Waupaghkonetta, in Ohio.

The report has been referred to the Commissioner of the General Land Office for his action thereon.

I have, &c., &c.

JOHN ROBB,

Acting Secretary of War.

To the Hon. JOSEPH VANCE.

WAR DEPARTMENT, *July 26, 1832.*

SIR: I have had the honor to receive your letter of the 22d inst. apprizing the department of your acceptance of the office of commissioner.

The papers, with the exception of the map and the commission, were all enclosed to Governor Carroll. I will obtain for you, however, a copy of the act.

Mr. Vaux, of Philadelphia, having declined the appointment, Henry L. Ellsworth, esq., of Conn., has been associated with Governor Carroll and yourself. The department has not yet been informed of his acceptance.

I have, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To his Excellency M. STOKES,
Raleigh, N. C.

WAR DEPARTMENT, *July 26, 1832.*

SIR: I have the honor to enclose a report from the officer in charge of the Indian bureau, accompanied by other papers presented by Mr. Vance, of Ohio, all relating to the claim of F. Duchoquet to a part of the tract of land reserved to certain individuals therein named, by the treaty with the Shawnees, of September 29th, 1817.

You are requested to inform this department whether this tract has been surveyed, and if not, to take such measures as may be necessary to put the claimant in possession of his rights.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To the Hon. ELIJAH HAYWARD,
Commissioner of the General Land Office.

WAR DEPARTMENT, *July 28, 1832.*

SIR: I have received your letter of the 13th inst. The instructions given to you to attend the sales of the cattle of the Choctaws, and to receive the proceeds, were not intended to relieve Col. Byrn from the duty of preparing himself, after his own form, an account of sales, and transmitting it, accompanied by a report of the circumstances of the transaction, to this department.

Your own duty in this matter related solely to the receiving and safe keeping of the proceeds.

You will please to forward to Col. Byrn copies of this letter, and of that of the 23d ult., that he may comply with the wishes of the department, as I doubt not he is disposed to do, when they are made known to him.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Col. WILLIAM WARD,
Choctaw Agency, Mississippi.

WAR DEPARTMENT, *July 28, 1832.*

GENTLEMEN: I have had the honor to receive your letter of the 10th inst., and, in answer, beg leave to inform you, that commissioners have been ap-

pointed to extinguish the native title to so much of the land of the Pottawatomies, as lies south of Lake Michigan, who will no doubt enter immediately upon the execution of their duties, should they not be prevented by the existing hostilities.

I am, gentlemen,

Your obedient servant,

JOHN ROBB,

Acting Secretary of War.

JONATHAN S. ROOK and OTHERS,

Shelbyville, Illinois.

WAR DEPARTMENT, *July 28, 1832.*

SIR: I have received your letter of the 10th inst., in which, as a chief of the Choctaw nation, you present several subjects for the action of the department.

The Government has before decided, that it will not recognize any person as a chief, elected to that office before the removal of the Choctaws. As it appears, too, from your own statement, that you were "to commence discharging the duties of a chief, as soon as the tribe had settled in their new homes," and not before, the department cannot acknowledge you now in that capacity.

Your new agent, Major Armstrong, left this city last week for your country. He will accompany his brother, who has been appointed superintendent for the removal of the Choctaws, and they will together carry into effect all the provisions of the treaty in a spirit of kindness and liberality. No removals of individuals, or of portions of the tribe, made without their permission, and not in conformity with the instructions prescribed by the department, will be approved. There will be ample time for the Choctaws to dispose of the remainder of their cattle, and to obtain what is necessary for their comfort on the way. The chiefs of your nation will converse freely and as friends with these gentlemen, and they may be assured every reasonable request will be granted.

The error you represent to have been made in inserting the name of Thomas Garland for Thomas Wall can be corrected only by Congress. I have requested your friend, Major Eaton, who made the treaty, and who thinks there may have been a mistake, to give a certificate, upon which Congress may act.

The provisions for education are to take effect after the removal of the Choctaws. The selection of the teachers is entrusted to the President, who would, doubtless, consent to the appointment of any person the Choctaws might prefer, if properly qualified. Until they lay before me the name of the teacher you have chosen, with the evidences of his fitness and qualifications, I cannot ask the President to approve or disapprove.

Upon this subject of education, I recommend to them to consult with the three commissioners, who will soon visit the nation, and who have been instructed to devise some plan, by which the money appropriated for this object, may be made most profitable, and the Indians be most improved.

I am, sir, &c.,

JOHN ROBB,

Acting Secretary of War.

To P. P. PITCHLYN,

Columbus, Mississippi.

WAR DEPARTMENT, *July 30, 1832.*

SIR: I have now the honor to enclose a copy of the act "to provide for the appointment of three commissioners, &c.," in compliance with your request.

Mr. Ellsworth has accepted the appointment offered to him. No communication has yet been received from Governor Carroll.

I am, &c., &c.,

JOHN ROBB,

To his Excellency M. STOKES,

Acting Secretary of War.

Raleigh, North Carolina.

WAR DEPARTMENT, *July 30, 1832.*

SIR: I have had the honor to receive your letter of the 29th instant, apprizing the department of your acceptance of the commission offered to you on the 23d.

I enclosed a copy of the act under which you have been appointed, and of the map of the country. The pressure of business did not permit the making of triplicates of the several documents, copies of which were sent to Governor Carroll, who is first named in the commission. Permit me to refer you to a report from the Secretary of War to the President, of February 16, which was published in the *Globe* about that time, as containing all the general information upon the subjects entrusted to you, in the possession of the department. I sent a copy of this report to Governor Carroll, and have tried, without success, to find others for Governor Stokes and yourself.

I have, &c.,

JOHN ROBB,

To H. L. ELLSWORTH, Esq.,

Acting Secretary of War.

Hartford, Connecticut.

WAR DEPARTMENT, *July 31, 1832.*

SIR: I have received your letter of the 12th instant, narrating your proceedings, in company with General Armistead, in the execution of the orders for the expulsion of intruders from the gold mines.

The department can only refer you to your original instructions, for your duty as to those persons whom you found on the Indian lands, near the counties of McMinn and Monroe. You were authorized to employ force to remove such as refused to go, when ordered; but not to follow any beyond the boundary line: and if any returned, you were authorized to arrest them for trial, under the act of 1802. You will not forget that the General Government can exercise no authority without the limits of the Indian country.

The department cannot interpose to arrange any difficulties between the Cherokees and the Unicoy turnpike company. The agreement made by them, in 1819, was strictly a private contract; and for a violation of any of its stipulations, the parties must seek redress before a judicial tribunal. This view of the obligations of the Government was communicated to the chiefs, April 4th, 1829.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Col. HUGH MONTGOMERY.

WAR DEPARTMENT, *August 2, 1832.*

SIR: I have received your letter of the 23d ultimo, and have now to reply to such points as seem to require an answer.

The sum of \$100,000, appropriated by the 9th article of the treaty with the Creeks, of April 4, 1832, was designed for the payment of debts then due, and for their relief in their then distressed condition. It was, therefore, the duty of the Government, in carrying into effect this provision, to institute an investigation of existing claims, and secure their payment, in the first instance. The instructions to the commissioners were accordingly directed to this object. As other debts have since accrued, however, these gentlemen will be directed to prepare a separate schedule, showing the names of the creditors and the amount. The Creeks will have an opportunity, and probably the means, after such an examination, to direct that the necessary amount should be "distributed" to the persons holding these new demands.

With regard to the appropriation for losses, the department could not direct the payment of the sum specified in the treaty, upon the report of an agent appointed by one of the parties only. The duty of investigating this matter was, therefore, entrusted to the commissioners, whose responsibility to the Government was direct, with instructions to receive evidence from all the parties, and report. The Secretary of War might, as you state, have said he did not wish to examine the papers in your possession, and for the obvious reason that such examinations would be unnecessary, as in the fulfilment of a treaty stipulation the course above pointed out was the proper one. You will have ample opportunity to represent the facts within your knowledge to the commissioners. With your claim for a commission, the department can have nothing to do.

The department regrets that the Creeks should have been induced, by representations from any quarter, to anticipate the payments stipulated for in the treaty, before a sufficient time had elapsed to allow of such an investigation as Congress had a right to expect and require, would be made; and such decision, upon the result of that investigation here, as the department could not authorize any other person to make, without a disregard of its own duty and responsibility.

You are mistaken, I believe, in supposing that a time is specified, in which the Creeks must receive their annuities. There is no limitation in the treaty, or in the instructions, and the commissioners will no doubt give every one a fair opportunity to receive what may be due to him.

I am, &c.,

JOHN ROBB,

Acting Secretary of War.

To Colonel JOHN H. BRODNAX,
Columbus, Georgia.

WAR DEPARTMENT, *August 2, 1832.*

SIR: I had the honor, on the 23d ultimo, in the absence of the Secretary of War, to address to you a letter, appointing you a commissioner, under the act of July 14th, and on the 30th, to acknowledge your acceptance of that appointment.

I have now the honor to reply to your letter of the 27th ultimo to Gov. Cass, in which you request information as to the most eligible route to Fort Gibson.

The most direct course will be through this city to Guyandot, on the Ohio; and thence to the mouth of White river. A more lengthened route will be to St. Louis, where a steamboat conveyance may possibly be obtained to Little Rock. There is much uncertainty, however, as to the time when the fall of the waters of the Arkansas will prevent the passage of boats.

At my request, General Gratiot will desire Colonel Chouteau, the gentleman named at the close of your instructions, who is now in Philadelphia, and about to proceed to his station within four miles of Fort Gibson, to write to you, and give the requisite information as to the route, and the outfit it will be expedient for you to provide.

Colonel Samuel C. Stambaugh, of Harrisburg, Pennsylvania, has been appointed secretary of your board. He is now on his return from Green Bay; but the department does not know at what point a letter would reach him.

I have, &c..

JOHN ROBB,

Acting Secretary of War.

To H. L. ELLSWORTH, Esq.,
Hartford, Connecticut.

WAR DEPARTMENT, *August 2, 1832.*

GENTLEMEN: The department has been advised, recently, that the Creeks were dissatisfied with the arrangements made for carrying into effect the provisions of the treaty of April last. I have, therefore, to request that you will make known to them the views of the Government upon the several subjects of complaint.

The first relates to the appropriation for the payment of debts. The 9th article requires that the sum of \$100,000, should be applied to the payment of debts *then* due, and for the relief of the Creeks, in the distressed condition in which they were at the date of the treaty. Your instructions were framed in conformity with this, and you will inform the Creeks that you will execute them liberally. There seems to be an apprehension on the part of the tribe, that debts, since contracted, will be embraced in your report, and their payment thus be provided for, before it is ascertained whether there will be any surplus, after all previously existing claims are settled. Such is not the intention of the department, nor is it within its competency, under the treaty, to direct such a measure.

As these new demands have been created by white persons who have entered the nation with goods, since the conclusion of the treaty, under an expectation that they would be paid from the fund therein provided, justice to the Indians and to the traders requires that they should be carefully scrutinized by you as authorized agents of the Government. You are, therefore, requested to ascertain and report, in a separate schedule, the names of these new creditors, and the exact amounts due to them respectively. Should there be a surplus after the old debts are paid, the Creeks may, if they choose, under the 9th article, "direct" the amount to which the new creditors shall be justly entitled "to be distributed" to them. Should they decline so to do, the department cannot enforce payment; and if obstacles to the emigration of the Creeks should be created, in consequence of their refusal, when the means were in their hands, Congress would probably refuse to make a

further appropriation. If there should not be a surplus, then your report, showing what was due, would be a voucher, upon which Congress might make the requisite provision. Without such report, Congress could only make a contingent arrangement to be fulfilled after an investigation such as you are now directed to institute.

The second subject which has been brought to the notice of the department, is the provision for losses for which they suppose the United States responsible. It is stated that the claims under this head were collected and examined by Col. John H. Brodnax, at the request of the chiefs; and that it was expected, when the treaty was formed, that they would be paid and settled in conformity with his report.

You will please to say to the Creeks that the department, being accountable to Congress for the proper execution of this provision of the treaty, could not authorize any payments, except upon the examination and report of persons directly responsible to itself. Such a measure would expose it to the just censure of Congress and of the nation.

The third subject of complaint, is the delay that will be occasioned by the investigation you are directed to make, and the reference of your proceedings to this department for its approval and final action.

You will explain to the Creeks that the ultimate decision upon the proceedings is a duty of the department, which it is not at liberty to transfer. The same principle has been adopted in relation to the emigrating Cherokees, and other tribes, none of whose improvements have been paid for, until the valuation rolls have been acted upon here, and returned to the agents. The delay cannot be great, and I must rely upon your exertions to make it as short as possible, consistently with an exact and faithful fulfilment of your duties.

It is also represented that the Creeks have received an impression that the annuities were to be paid within a fixed time; which time was too short to permit all of them to attend. You will be careful to set them right upon this matter, which you can easily do, as neither the treaty nor the instructions designate any limitation.

If you should find that the Creeks rest their complaints upon representations alleged to have been made to them, or to their chiefs, you may assure them, on the part of the Government, that no promises were ever made, from which they could infer that the money, provided by the treaty, would be paid, until after an examination of every matter had been completed, and the result communicated to this department. Such promises could not have been given consistently with its duty and proper responsibility.

I am, gentlemen, &c.,

JOHN ROBB,

Acting Secretary of War.

Col. BENJ. S. PARSONS,
Gen. ENOCH PARSONS,
Col. JOHN CROWELL, } *Commissioners, &c.*

WAR DEPARTMENT, *August 3, 1832.*

SIR: I have the honor to enclose a copy of a letter to yourself and your associates in the execution of provisions of the late Creek treaty.

Should you, contrary to my expectation and wish, have declined the appointment offered to you, I must ask of you the favor to transmit it to Mr.

Aylett, who was named as your successor in the event of your non-acceptance, in my letter of the 20th ultimo.

I am, &c.,

JOHN ROBB,
Acting Secretary of War.

Gen. ENOCH PARSONS, *Tuscaloosa.*

WAR DEPARTMENT, *August 3, 1832.*

SIR: I ask your attention to the annexed extracts of the instructions from this department to the commissioners appointed to hold Indian treaties, &c., west of the Mississippi.

Twenty flags, and three boxes of medals, will accompany this note; and I have to request that you will give the necessary order for their transportation to Fort Gibson, and also for the fulfilment of the direction in the first extract.

I am, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To the ACTING COMMISSARY GENERAL OF SUBSISTENCE.

WAR DEPARTMENT, *August 4, 1832.*

GENTLEMEN: Mr. Isaac McCoy, who is now employed in making surveys in the Indian country, west of the Mississippi, has been directed to report to you, upon being informed of your arrival at Fort Gibson.

He will lay before you his instructions, the surveys he may have made, and all the information he may have acquired. He has been directed to consider his duties as terminated at that time; but he will nevertheless cheerfully render you such aid as you may call for.

Mr. McCoy has been long engaged in similar duties, and has possessed himself of much minute and accurate information respecting the topography of the country, and the dispositions and habits of the natives. And the department has great confidence in his integrity, and in the general correctness of his opinions upon many of the subjects entrusted to you.

He is therefore recommended to your particular attention as one who is able and willing materially to facilitate your labors, should you think proper to put his services in requisition.

I also enclose three copies of regulations adopted for the removal of Indians. The act of Congress requires you to examine into the mode in which the business of emigration has been conducted, and report such changes as may suggest themselves. The first measures were almost, of course, imperfect, the whole subject being entirely new.

The regulations embody such improvements as experience has dictated, and will govern the removal of the Creeks, Choctaws, and Ohio Indians.

I will thank you to communicate other alterations you may deem important to the facility and success of this measure.

I am, &c.,

JOHN ROBB,
Acting Secretary of War.

To his Excellency WILLIAM CARROLL and OTHERS,

Commissioners, &c.

WAR DEPARTMENT, *August 4, 1832.*

SIR: Your letter of the 19th ultimo, has been received, with the estimates of several agents for the third and fourth quarters of the present year.

It was not the intention of the department, in directing the annuities and treaty allowances to the Sacs, Foxes, and Ioways to be withheld, to occasion serious inconvenience to any of the friendly Indians, further than was rendered unavoidable by the paramount consideration of preventing the extension of the existing hostilities.

The department therefore accedes to your suggestion that these disbursements should be left at the discretion of the superintendent. The general objects of the Government will be best secured by limiting these disbursements to as narrow a compass as may be consistent with the preservation of the comfort and friendly feeling of the Indians.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To General WILLIAM CLARK,

Superintendent of Indian Affairs, &c.

WAR DEPARTMENT, *August 6, 1832.*

SIR: Your letter of the 13th ultimo has been received. The annuities for the Seminole Indians were remitted to Governor Duval on the 10th July, and he has also been instructed as to the arrangements to be made for the visit of the exploring deputation to the country west of the Mississippi. He is therefore prepared to give you the necessary directions.

Every case of improper interference by the whites, should be made known to the superintendent, that he may take the requisite measures to ascertain the facts, and collect evidence in support of them, to be submitted to the department for its action.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Major JOHN PHAGAN,

Indian Agent, &c.

WAR DEPARTMENT, *August 6, 1832.*

GENTLEMEN: I have received your letter of the 20th ultimo; and, in answer, beg leave to observe, that the question you raise upon the treaty, does not appear to be attended with any difficulty. But from a desire to avoid every thing which may be productive of inconvenience to your nation, Major Armstrong has been directed to report upon the subject, and the final decision of the department will be communicated to you.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To MESSRS. GEORGE W. HAWKINS and OTHERS,

Care of P. P. Pitchlyn, Columbus, Mi.

WAR DEPARTMENT, *August 6, 1832.*

SIR: A communication has been received, signed by Hawkins, Folsom, and the Pitchlyns, in which they remonstrate against a construction which

has been given to the clause of the 19th article of the treaty, which refers to the location of quarter sections.

That construction requires the reservations to be bounded by quarter section lines, to be contiguous and adjoining, and to include that part of the improvements which contain the dwelling-house. The persons, above-named, seem to think that the treaty does not require the reservations to be bounded by quarter section lines of survey. You will perceive that their error originates in overlooking the sentence, "each of said class of cases shall be subject to the limitations contained in the first class."

The department, therefore, considers the construction objected to, to be the true one, and not open to doubt. But, as it is further represented that many of the reservations are so near to each other that this rule cannot be applied, without depriving some of their just rights, the matter is referred to you.

You will please to report your opinion upon this clause of the treaty; and, also, to state whether so much inconvenience or injury will result from the interpretation, herein given to it, as will render it inexpedient to carry it into effect. Meanwhile the Choctaws will be referred to you for the ultimate decision of the department.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Major FRANCIS W. ARMSTRONG, *Indian Agent, &c.*

WAR DEPARTMENT, *August 7, 1832.*

SIR: I have received your letters of the 24th and 26th ultimo. The subject of the first, the petition of the Shawnees for permission to exchange their former possessions, was submitted to yourself and your associates in the letter of instructions of July 13th, which you will, ere this, have received. As copies of the papers, in relation to it, may be of use to the commissioners appointed to hold treaties, &c., west of the Mississippi, you will please to have them prepared and forwarded to Fort Gibson; and, also, to keep those gentlemen advised of your proceedings in the settlement of this matter.

With regard to Mr. Sandford's charge for his own services, as an interpreter, the department requests that, when you transmit that officer's accounts, you would accompany them with your opinion of the propriety of allowing this claim.

Mr. E. T. Langham has notified the department of his having resigned the office of sub-agent, within the agency of St. Peter's. You will inform him that the resignation has been accepted.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To General WILLIAM CLARK,

Superintendent of Indian Affairs, &c.

WAR DEPARTMENT, *August 8, 1832.*

SIR: Commissioners having been appointed to negotiate with the Pottawatamies, there is no opportunity of giving you the office you request in your letter of the 28th ultimo.

As sub-agent, it will be your duty to render to these commissioners, upon their arrival, all the aid which your knowledge of Indian character, and the influence you have acquired, may enable you to give.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To JAMES STEWART, Esq., *Niles, Mich. Ter.*

WAR DEPARTMENT, *August 9, 1832.*

SIR: In answer to your letter, of the 30th ultimo, I beg leave to observe, that a commission and instructions were forwarded to you on the 17th July, under an envelope, addressed to General Tipton, from whom you have, no doubt, received them.

Had your address been known here, they would have been transmitted to you direct.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To JOHN W. DAVIS, Esq.

WAR DEPARTMENT, *August 10, 1832.*

GENTLEMEN: In answer to your letter, of the 3d instant, I have to state, that the subject to which you call the attention of the department, has been referred to Col. Gardiner and Mr. McElvain, the Indian Agent, with all the papers that have been presented by the opposing parties. When their report is received the decision of the Government will be made known to the Wyandot nation.

You will have opportunity to lay before these gentlemen your views, and such facts as are within your knowledge.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To MESSRS. AARON WELCH and OTHERS,
McCutchenville, Ohio.

WAR DEPARTMENT, *August 10, 1832.*

SIR: I have had the honor to receive your letter of the 30th ultimo, in which you inform the department that you had accepted the appointment of commissioner; and, in concert with Doctor Davis, had selected Anthony L. Davis to be your special commissary, and drawn in his favor for the amount of the appropriation.

This is the first intelligence received here of Doctor Davis's acceptance of the commission. Your other associate, Mr. Crume, has not yet been heard from, nor does he appear to have been consulted in these incipient measures.

I feel myself obliged to direct, that when your draft is presented, it shall be returned to you unpaid.

It is not the practice of the department to issue the funds entrusted to it, more rapidly, or in larger amounts, than circumstances render absolutely necessary. And there seems to be no sufficient reason, in the present case, for departing from the usual course.

The authority given to you to draw *to* the amount of the appropriation, was not intended as an authority to draw *for* that amount at once, but merely to prescribe a limit, which you were not to exceed in executing drafts to cover your expenses as they, from time to time, accrued.

The clause in your instructions which contemplates as possible the postponement of the completion of your duties to another season, and directs that your expenditures be so limited as that there will be, in that event, a fund reserved, must also be considered as restricting the amount of your drafts, at least until you should be able to determine whether such a contingency would occur. If it should happen, obviously, the department would be expected to retain a part of the appropriation.

With these views, I have given the above direction; and, in order to place in your hands sufficient funds for your immediate exigencies, I have further directed that a requisition issue in your favor for five thousand dollars. No inconvenience can result from this arrangement, as the scene of your operations will be so near as to allow of frequent and speedy communication with the department, and with the banks in Indiana, Illinois, or Michigan:

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To the Hon. JONATHAN JENNINGS,
Near Charleston, Indiana.

WAR DEPARTMENT, *August 11, 1832.*

SIR: I have received your letter of July 25th, and in answer have to say, that your new agent, Major Armstrong, has been directed to investigate the contracts made by Daniel W. Wright, with yourself, and with Molly and David W. Nail, and ascertain in what respects he has failed to fulfil them. I do not know that these contracts have ever been submitted to the President; but, if they have been, and he has approved them, they will be set aside on proof of failure on the part of the purchaser to execute them. The President will, no doubt, approve of any new contract you may make, after these with Wright have been properly cancelled; which you may transmit to him through, and which is recommended by, your agent.

You will please to communicate the substance of this letter to Molly and David W. Nail.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To P. P. PITCHLYN,
Columbus, Mississippi.

WAR DEPARTMENT, *August 11, 1832.*

SIR: P. P. Pitchlyn and Molly Nail, represent, that they sold the sections of land to which they were entitled under the treaty, to David W. Wright, who also purchased the section assigned to David W. Nail. Wright having failed to execute these contracts, as they allege, they desire to know if they can be cancelled, and permission given them to make new sales.

I do not know whether the contracts with Wright have been approved by the President. But before any order is taken, it is proper the agent of the Government should ascertain whether he has fulfilled or not fulfilled them.

You are, therefore, requested to report. You will please say to the Indians, that all these contracts should be accompanied by a certificate of the agent.

I am, sir, very respectfully,

Your obedient servant,

JOHN ROBB,

Acting Secretary of War.

To Major FRANCIS W. ARMSTRONG.

WAR DEPARTMENT, *August 13, 1832.*

GENTLEMEN: A requisition has issued this day in your favor for five thousand dollars, on account of the appropriation to carry into effect the act of July 14th, 1832, under which you have been appointed. This sum will be remitted from the treasury to your chairman, at Charleston, and you will please, in a joint letter, to acknowledge the receipt.

I have, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To the Hon. JONATHAN JENNINGS,
JOHN W. DAVIS, Esq.,
MARKS CRUME, Esq., } *Commissioners, &c.*

WAR DEPARTMENT, *August 13, 1832.*

SIR: In answer to your letter of the 3d instant, I have to inform you, that the marshal of Alabama, and the officer commanding at Fort Mitchell, have been instructed and authorized to take efficient measures to remove the intruders, and to prevent the recurrence of such events as you have very properly brought to the notice of the department.

I am, &c.,

JOHN ROBB,

Acting Secretary of War.

Colonel JOHN CROWELL,
Creek Agency.

WAR DEPARTMENT, *August 13, 1832.*

SIR: I have received your letters of the 24th and 31st ultimo.

The commanding officer at Fort Mitchell has been ordered to station troops at the points designated by you, and to aid you, whenever you apply to him, in removing intruders from the Creek lands, and in preventing their return. You will report to that officer the names of all persons, whom you have expelled from, or ordered to quit the Indian country, that he may know when to exert the authority given him.

Under a provision of a late act of Congress, the department considers itself to be authorized to direct the seizure of ardent spirits, whenever found in any part of the Indian territory, over which no State has extended its jurisdiction. You may, therefore, take possession of this article, when

so found, and place it in the custody of the commanding officer at Fort Mitchell, and report your proceedings to this department for its further order.

Your rejection of the deeds of conveyance offered as evidence of title by intruders, will be approved in all cases, where there is strong reason to suspect collusion or fraud. But all these cases should be investigated dispassionately, and a just discrimination exercised. As a measure of precaution, also, it would be well to retain copies of such of these instruments as you may reject, and to make a note in writing of your reasons for rejecting them.

The department thus far has learned nothing to censure, but much to approve, in the manner in which you have executed the duties entrusted to you.

I am, &c.,

JOHN ROBB,

Acting Secretary of War.

ROBERT L. CRAWFORD, Esq.,

Marshal, &c., Montgomery, Alabama.

WAR DEPARTMENT, *August 13, 1832.*

SIR: A requisition has issued this day in your favor for ten thousand dollars, on account of the appropriation to pay for improvements abandoned by Cherokee emigrants, from within the chartered limits of Georgia.

Your report of the amount of drafts issued by you upon the department, on this account, has been received; the balance then remaining of the appropriation will be remitted to you.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Colonel HUGH MONTGOMERY,

Calhoun, Tennessee.

[Same to Captain GEO. VASHON, *Cantonment Gibson.*]

WAR DEPARTMENT, *August 13, 1832.*

GENTLEMEN: I have received your report of your proceedings in relation to the disputed questions among the Wyandots, with the agreement which you enclosed.

To this agreement it would not be proper for the department to give its sanction, without being apprized, in some authentic shape, that it is satisfactory to the other signers of the treaty, approved, April 6th, 1832, or to the nation at large. Without this information, the department might do that which would only increase existing difficulties.

The articles of agreement are, therefore, returned to you, with instructions to make them known to the persons whose names are appended to the treaty, and to report whether they are willing to accede to these articles, and

whether, in your judgment, the arrangement will be agreeable to the nation generally.

I am, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To Colonel JAMES GARDINER,
Colonel JOHN McELVAIN,
Lebanon, Ohio.

WAR DEPARTMENT, *August 14, 1832.*

SIR: The appraisers appointed to value improvements, abandoned by Cherokee emigrants from within the chartered limits of Georgia, have embraced in their returns the missionary station at Hightower, which was claimed by Thomas Petitt, jun., as his property, by purchase from the Rev. John Thompson. They notified the department when they transmitted these returns, that there was an opposing claim in behalf of Mr. Thompson, which they forwarded affidavits that had been presented to them to establish.

The evidence, as is usual, is irreconcilable; and, in the absence of any statement by Mr. Thompson, I ask of you the favor to inform the department, whether the property occupied by the mission at Hightower, was ever disposed of to Petitt, and may be appointed by the agents of the Government; an early answer will oblige me.

I am, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To HENRY HILL, Esq.,
Treasurer American Board, &c., Boston.

WAR DEPARTMENT, *August 14, 1832.*

SIR: I have received your letter of the 1st instant, and have to thank you for the information you communicate in regard to the disposition of leading Cherokees to emigrate.

Major Currey will be written to, at length, in a few days, upon the subject of the valuation rolls, to pay the amount due upon which, remittances have been made, in part, to the agents.

The letter to Mr. Davis, of South Carolina, contained no authority to issue certificates, and the agent did wrong in requiring you to do that which was prohibited by your original instructions to be done, except in extreme cases, and then the certificates were to be drawn, payable to the person in whose name the improvements were valued, and to no other. I trust you have observed this rule; if not, the certificates you have issued must be recalled, if practicable, and others substituted.

There may be difficulty in doing this; but there will be no safety in making payments after transfers have taken place.

I am, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To J. M. C. MONTGOMERY, Esq.,
Standing Peach Tree.

WAR DEPARTMENT, *August 15, 1832.*

SIR: I have received your letter of the 6th inst. The account you enclosed is returned, with instructions that Col. McElvain and yourself, when you have completed the duty prescribed in my letter of the 13th instant, should prepare and transmit an account including all the expenses, of every nature, attending the negotiation with the Wyandots.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Col. JAMES B. GARDINER,
Lebanon, Ohio.

WAR DEPARTMENT, *August 16, 1832.*

SIR: I have had the pleasure to receive your letter of the 2d instant, in which you notify the department that you have accepted the appointment offered you in conjunction with Col. Crowell and Major Parsons, and had proposed to the latter the selection of Thomas J. Abbott to take the census.

I trust there will be no delay in the execution of the several provisions of the Creek treaty.

I am, &c.,

JOHN ROBB,

Acting Secretary of War.

Gen. ENOCH PARSONS,
Claiborne, Alabama.

WAR DEPARTMENT, *August 17, 1832.*

SIR: I enclose extracts of a letter of William Irwin, which contains allegations to which it is proper the department should receive a satisfactory reply from yourself and the officer in command at Fort Mitchell, to whom you will please communicate so much of the letter of Mr. Irwin, as directly concerns him.

I am, &c.,

JOHN ROBB,

Acting Secretary of War.

ROBERT L. CRAWFORD, Esq.,
Marshal, &c., Montgomery, Ala.

WAR DEPARTMENT, *August 17, 1832.*

SIR: I have received your letter of the 30th July, and have called upon the marshal, and the officer in command at Fort Mitchell, to explain the charges you have preferred against them.

Until their report is received, it is proper for the department only to say, that the treaty provides that persons, who have made their own improvements, and not expelled the Creeks from theirs, may remain until their

crops are gathered. If they have no crops growing, they will be removed from their improvements now; if they have crops growing, their removal will be effected as soon as their crops are gathered.

I trust every good citizen will have so much regard for the character of his country, and for the national faith which has been pledged to the Indians, that he will remove from the country ceded by the Creeks, upon being directed to do so by the marshal, who is acting as the agent of the Government.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

TO WILLIAM IRWIN, Esq.,

Union Hill, Alabama.

WAR DEPARTMENT, *August 21, 1832.*

SIR: In answer to your letter of the 13th instant, I beg leave to observe, that General Parsons notified the department, on the 3d instant, of his acceptance of the appointment, as a joint commissioner with Major Parsons and yourself. I do not doubt he will arrive at your agency in season to attend the council on the 20th of September. If he should not, Major Parsons and yourself will proceed to execute the duties of your commission, so far as may be absolutely necessary at that time. But it will be better to incur some delay than to be deprived of the benefit of his experience and judgment.

I am, &c.,

JOHN ROBB,

Acting Secretary of War.

Col. JOHN CROWELL,

Creek Agency, Ga.

WAR DEPARTMENT, *August 21, 1832.*

SIR: I have had the honor to receive your several letters of the 4th inst. I regret that the letter of the 10th ultimo, from the Indian bureau, miscarried, as it contained full instructions in relation to the exploring party, who, under the provision of the late treaty, are to visit the country west of the Mississippi.

The expenses of this deputation have been estimated here at three thousand dollars, and the expenditures from the time of their departure to their return will not in any event exceed that sum, and must be brought as far within it as practicable. A requisition has issued in your favor for fifteen hundred dollars, which amount, it is supposed will be sufficient to defray all the expenses of the party, until they reach New Orleans, on their return. Should additional funds be sooner required, the conductor of the deputation will draw upon this department for such sum as may be absolutely indispensable.

Major Phagan is permitted to accompany the deputation; his compensation, which is included in the estimate of three thousand dollars, has been fixed at two dollars a day, in addition to his necessary expenses, and his pay as agent. If he should not consent to go on these terms, you will select some suitable person, who will be allowed three dollars a day, besides his actual expenses.

The conductor of the party will report himself without delay, on his arrival at Fort Gibson, to the commissioners, Governor Carroll, Governor Stokes, and Mr. Ellsworth, and conform to such instructions as he may receive from them.

As the annuity will be paid before Major Phagan's departure, and only the ordinary business of the agency will require attention during his absence, it is considered unnecessary to appoint a sub-agent. I enclose a copy of the treaty with the Seminoles.

Should Doctor Hamilton decline to vaccinate the Appalachicola Indians, you are authorized to select a surgeon to perform that duty; and, in that event, fifty dollars will be added to the one hundred dollars, named in the letter of the 16th ultimo, as the limit of the expenditure for this object. But the compensation of the surgeon will not exceed that allowed to Doctor Hamilton. The appropriation made by Congress being small, the department cannot assign for the Indians of your superintendency a larger portion. I enclose more of the vaccine matter.

I have the honor to be, &c.,

JOHN ROBB,
Acting Secretary of War.

His Excellency WILLIAM P. DUVAL,
Tallahasse, Florida.

WAR DEPARTMENT, *August 22, 1832.*

SIR: I have received your letter of the 6th instant. The several valuation rolls have been examined, corrected, and approved by the department, and the general abstract will be enclosed to Major Currey, with the decision upon the several questions of title which, at different times, have been presented.

A warrant will be sent from the treasury for the balance of the amount due for improvements abandoned.

I am, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To Col. HUGH MONTGOMERY,
Cherokee Agent, &c.

WAR DEPARTMENT, *August 22, 1832.*

SIR: I have received your letter of the 18th instant. It supplies what was before wanting—a statement of Mr. Thompson, which, with your own declaration, that no one has ever been authorized to dispose of the missionary improvements at Hightower, is received as conclusive upon the question submitted to the department.

The agent will be instructed accordingly to strike from the valuation rolls these improvements which will then be left to your disposal, unembarrassed by any act of the appraisers.

I am, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To the Rev. DAVID GREEN, *Boston.*

WAR DEPARTMENT, *August 22, 1832.*

SIR: Your letter of the 23d ultimo was received some days since. So much of it as relates to the purchase of stock has been referred to the Commissary General of Subsistence. The account you enclosed is returned, allowed to be paid.

Your temporary suspension of the services of persons employed in the business of emigration, is in accordance with the instructions forwarded to you on the 19th ultimo.

Ten thousand dollars were remitted to Col. Montgomery, and \$10,000 to Captain Vashon, on the 13th instant, to pay for improvements abandoned.

I now enclose to you a general abstract of the rolls of the appraisers, corrected and approved. You will observe that improvement, No. 194, in the enclosed abstract, No. 60, assessed to John Hood, is retained in this abstract. You will pay him the value, if his location be within the line known by the name of the Georgia line. If it is not, the amount will be held by you, subject to the order of the department.

The missionary improvements at Hightower, assessed to Thomas Pettit, jr., have been stricken from the abstract, the department being satisfied that neither Mr. Thompson nor the American board of foreign missions ever made, or authorized to be made, a transfer of them to any person.

The decision in the case of the Harnages, to which you call the attention of the department, in your letter of the 4th instant, cannot be changed. The President was entirely satisfied that it would be impolitic to allow speculations of that character; and, therefore, required, that not only the Harnages, but the individuals from whom they purchased, should remove, before payment was made for any, besides the improvements actually made by the Harnages themselves. The amount of these they would of course be entitled to, upon their own removal.

After deducting the amount of the certificates paid to Mr. Har-

rison, as the agent of Mr. Cobb,	-	-	-	-	\$ 2,630 00
The amount remitted on the 13th	-	-	-	-	10,000 00
And the value of Mr. Thompsons' improvements	-	-	-	-	1,163 50

In all	-	-	-	-	13,793 50
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from the amount you estimated would be required to pay for improvements, \$21,400, there will remain \$7,606 50, for which a requisition will issue in favor of Colonel Montgomery to-morrow.

The amount required at the agency, west, will be sent to Captain Vashon, as soon as the amount of the drafts drawn by him, on account of this appropriation, is ascertained. From the general abstract you will prepare a schedule, upon which he may pay those who have already emigrated, which you will transmit to him.

That part of your letter of the 4th instant which relates to the transportation and subsistence of Cherokees, who wish to receive an advance, and remove themselves, has been referred to the commissary department.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Major BENJAMIN F. CURREY,
Hightower, Ga.

WAR DEPARTMENT, *August 23, 1832.*

SIR: The result of the national council of the Cherokees has been officially communicated to the department.

It is thought proper, in the present aspect of this case, to direct that the business of assessing and enrolling be not resumed by you, until you receive further orders from the department. You will retain no more persons in employ than will be necessary to remove those whose improvements have been already valued.

I am, &c.,

JOHN ROBB,
Acting Secretary of War.

To Major BENJAMIN F. CURREY,
Hightower, Ga.

WAR DEPARTMENT, *August 23, 1832.*

SIR: I have received your letter of the 11th inst., accompanying the report of your proceedings, as the agent of the Government to the Cherokees. Copies of these papers have been sent to the Secretary of War.

Mean time permit me to say, that although unsuccessful, your efforts appear to have been constant, judicious, and calculated to give effect to the objects of the Government.

I am, &c.,

JOHN ROBB,
Acting Secretary of War.

To E. W. CHESTER, Esq.,
Lawrenceville, Georgia.

WAR DEPARTMENT, *August 24, 1832.*

FRIENDS AND BROTHERS: I have received the letter of the 6th instant, signed by the members of the national council, communicating the decision of the Cherokees upon the propositions submitted to them by order of the President.

This letter has been forwarded to the Secretary of War, at Detroit, from whom you will, no doubt, receive a reply. Mean time permit me to express my regret, that propositions considered by your best friends here, those who have most constantly and earnestly advocated your interests, to be most liberal and advantageous, should not have met a different reception. I will yet hope that, after calm deliberation, you may be sensible of the wisdom of the friends who advise you to accept them, and resolve to adopt the only course by which you permanent prosperity can be ensured.

I remain your friend and brother,

JOHN ROBB,
Acting Secretary of War.

To the CHEROKEES,
East of the Mississippi.

WAR DEPARTMENT, *August 24, 1832.*

SIR: I have received your letter of the 10th inst., and in answer, have to observe that all the funds required by the superintendent, to pay for im.

provements abandoned by the Cherokees, have been remitted to the agent, Col. Montgomery, and no claims of that character can hereafter be paid here.

I am, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To Col. A. R. TURK,
Calhoun, Tennessee.

WAR DEPARTMENT, *August 24, 1832.*

SIR: A requisition has issued in your favor for \$7,606 50, for which you will account, and which will be charged to the appropriation to pay for improvements abandoned by the Cherokees in Georgia and Arkansas, per act of June 4th, 1832.

Major Currey has been advised of this remittance, and the approved abstract of the valuation rolls has been forwarded to him. The Cherokees, already enrolled, will be removed now; but the business of enrolling and assessing will not be resumed without further orders.

I am, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To Col. HUGH MONTGOMERY,
Calhoun, Tennessee.

WAR DEPARTMENT, *August 25, 1832.*

SIR: I enclose extract of a letter addressed, by direction of the Secretary of War, to Col. James B. Gardiner, from which you will learn what powers have been entrusted to him as special agent for the removal of the Indians from Ohio.

I have to request that you will forward to Lieutenant Lane instructions drawn up in conformity with the enclosed letter, that the contemplated changes in the mode of effecting the removal, may go into operation without delay.

I am, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To Major J. H. Hook,
Acting Commissary General.

WAR DEPARTMENT, *August 25, 1832.*

SIR: In the execution of your duties as special agent for the removal of the Indians from Ohio, you are authorized and required to make all arrangements, of every nature, that may be necessary previous to their removal on their journey, and until their settlement in their new homes is completed.

You will determine the quantity of provisions which will be required; the estimates for which you will forward direct to the Commissary General of Subsistence.

You will draw requisitions upon the disbursing agent for the purchase of these provisions; the *mode* of providing which will be prescribed by the commissary department. When procured, they will be distributed by the conductors and their assistants, under your direction, and upon your responsibility.

These instructions will be communicated to the Commissary General of Subsistence, who will direct Mr. Lane to dismiss the commissaries and assistant commissaries he may have engaged, and to make the disbursements for the purposes you may designate, in conformity with them; and to consider his duty as confined to the providing such articles as you may require, at such depots as you may select.

You will also make the estimates for the expense of removing the Indians, and draw requisitions upon the disbursing agent, for whatever wagons or other things may be wanted for this purpose. When obtained, they will be used as you may direct, under the supervision of the conductors and their assistants.

The department has thought proper to deviate, in some respects, from the printed regulations, to which you will, in all other particulars, conform, in consideration of the lateness of the season, and the urgent necessity for instant active operations.

Your responsibility is greatly augmented, and the Government has no doubt of your unremitting attention to all the matters connected with the removal of the Indians under your care.

Before remitting any moneys to pay for improvements, I wish to receive from you a statement of the amounts which are to be paid to each tribe, under the treaties, distinguishing between what is to be paid before, and what after their removal.

You will also inform me what appraisements of improvements and of stock, &c., have been made, and by whom?

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Col. JAMES B. GARDINER.

WAR DEPARTMENT, *August 27, 1832.*

SIR: I have received your letters of the 13th and 14th instant. The accounts enclosed will be sent to the auditor.

The resignation of Mr. Brish is accepted, and your appointment of Mr. Kennerly, to act temporarily as the sub-agent for the Senecas, is approved. The recommendations you have forwarded are honorable to him, and will be made known to the Secretary of War, whose decision will be communicated to you when received.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To General WILLIAM CLARK,

Superintendent of Indian Affairs, &c.

WAR DEPARTMENT, *August 27, 1832.*

SIR: I have received your letter of 22d instant. On the 25th, having before me the correspondence between the Secretary of War and yourself, I

addressed to you a letter, investing you with full powers, in relation to the removal of the Indians. The Commissary General will give the necessary instructions to Lieut. Lane this morning.

A requisition will issue in favor of Col. McElvain to day for \$19,000, which he will be directed to disburse in payment for improvements under your instructions.

As I have not yet received an answer from the President, I cannot now reply to the part of your letter which relates to the mode of transportation. I expect to hear from him daily.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Col. JAMES B. GARDINER,
Lebanon, Ohio.

P. S. A letter to Col. McElvain, notifying him of the requisition for \$19,000, has been directed to Columbus. If he is near you, please to apprise him.

WAR DEPARTMENT, *August 27, 1832.*

SIR: Peter A. Carnes has informed the department that you have declined to pay for rations furnished by Duval and Carnes, for blacks who have emigrated with the Cherokee families.

It was proper in you to decline until advised by the decision of the department, upon the question, whether blacks were to be considered members of Cherokee families.

That decision is, that they are to be considered members, so far as to entitle them to a year's subsistence, but not to the gratuity of ten dollars a head.

You will, therefore, pay all well authenticated claims for rations furnished for this class, upon the requisition of an officer of the Government, duly authorized to procure them, or which having been supplied without such authority, have been subsequently sanctioned.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Capt. GEORGE VASHON,
Cantonment Gibson.

WAR DEPARTMENT, *August 27, 1832.*

SIR: In reply to your letter of the 23d ult., I have to observe that the agent for the Cherokees west has been instructed to pay all well authenticated claims for rations, furnished to colored emigrants by individuals, upon the requisition of a person duly authorized. You will of course renew your application to him.

Very respectfully, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To PETER A. CARNES, Esq.,
Fort Smith, Arkansas.

WAR DEPARTMENT, *August 27, 1832.*

SIR: A requisition has issued in your favor for \$19,000, for which you be required to account.

This amount is to be paid from, and charged to the following appropriations:

Shawnees of Waupaghkonetta, per act June 4th, 1832, for houses and opening farms, - - - - - \$13,000

Senecas and Shawnees, of Lewistown, per act June 4th, advanced to said Indians, in lieu of compensation, for improvements, 6,000

In making disbursements for these objects, you will conform to such instructions, as you may receive from Col. Gardiner.

It is important that no time be lost in conveying the specie to the Indian reservations.

Very respectfully, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Col. JOHN McELVAIN,

Columbus, Ohio.

WAR DEPARTMENT, *August 28, 1832.*

SIR: I have received your communication of the 16th inst., with the enclosures; copies of the public papers will be sent to the Secretary of War.

The reply of the council was forwarded by Ross himself, without the intervention of the agent, at least it was unaccompanied with any letter from that officer.

The arrest of Brown was reported, at the time of its occurrence, to the department; but the report of Major Currey, induced the belief that it was not expedient for the Government to take notice of it; and I hope Gen. Coffee's forbearing to arrest the parties implicated, may have the favorable effect you anticipate.

You are fully aware of the views of the President of the propriety of his interposition, to procure the discharge of the missionaries, and upon this subject I can add nothing.

I expect soon either to hear from the Secretary, that he has himself written to you, or to receive his instructions, as to the measures to be taken in the further prosecution of the efforts to procure the removal of the Cherokees.

I am, &c.,

JOHN ROBB,

Acting Secretary of War.

To E. W. CHESTER, Esq.,

Lawrenceville, Ga.

WAR DEPARTMENT, *August 28, 1832.*

SIR: I have received your letter of the 8th inst. Col. Gardiner, with the Indians from Ohio, will soon commence the removal to the west. It would prevent possibly some inconveniences, if he could be in possession of your report of the surveys made of the tracts assigned to those tribes.

I have, therefore, to request that you will transmit copies to General Clark, to be delivered to Col. Gardiner upon his arrival.

The commissioners appointed to hold treaties with the Indians, west of the Mississippi, will be at Cantonment Gibson about the 1st of October, when I hope you will be prepared to report to them, and give them such assistance as they may require, and you are well qualified to render.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To the Rev. ISAAC MCCOY,

Shawnee, Jackson County, Mo.

WAR DEPARTMENT, *August 28, 1832.*

SIR: In answer to your letter of the 13th instant, I have the honor to inform you, that the duty of carrying into effect the late act of Congress for extinguishing Indian title in Indiana, Illinois, and Michigan, has been entrusted to Messrs. Jennings, Davis, and Crume, under a letter of appointment, dated July 16th, 1832. The department cannot, therefore, avail itself of your aid in the contemplated negotiation.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To his Excellency JOHN REYNOLDS,

Belleville, Illinois.

WAR DEPARTMENT, *August 28, 1832.*

SIR: When I directed the requisition to be made out for nineteen thousand dollars, in favor of Col. McElvain, to pay for the improvements of the Shawnees at Waupaghkonetta, I acted under the impression received from your letter of the 22d inst., that this amount was to be paid before the removal of that tribe. Upon referring to the treaty, however, the object appears to be to enable them to "erect houses and open farms at their intended residences," and there is nothing requiring it to be paid before they emigrate.

The President has been decidedly opposed to the making of these payments in advance, unless this was expressly stipulated in the treaty. There is little probability, if this is done, any part of the appropriation will be applied to its legitimate object. You will not, therefore, disburse any portion of the thirteen thousand dollars, until you have informed the department whether the Government came under any obligation, at the time the treaty was formed, which does not appear in the treaty itself, to pay this amount before the Shawnees remove, and have received further instructions. If no such obligation was then contracted, as would be binding upon the Government, you will direct Col. McElvain to draw from the bank, upon the warrant sent to him, only six thousand dollars.

It has been intimated to the department, that individuals now near you were prepared to obtain possession of this money, when it was paid to the Indians, without a fair equivalent. It will require constant vigilance to defeat these designs of speculators, the blame of which, if successful, would rest upon the Government and its agents.

I have requested Mr. McCoy to send to St. Louis, for your use, a copy

of his report of the surveys of the tracts assigned to the Ohio Indians, which he has just completed.

Very respectfully, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To Col. JAMES B. GARDINER.

WAR DEPARTMENT, *August 29, 1832.*

SIR: I have received your letter of the 5th inst., and have to thank you for the many valuable suggestions it contains.

I was perfectly aware of the delicate nature of the duty you were requested to assume, in the letter from the department of the 19th ult., and should have been more precise and definite in writing it, had not the Messrs. Armstrongs, with whom you were to co-operate, been particularly informed of the views of the Government.

The most opposite representations have been made to the department of the wishes and feelings of the Choctaws, upon the subject of the settlements which have been made in their nation by whites. One party requested the removal of such as intruders; and the department, looking at the prohibition of such settlements in the treaty, ordered a military force to assist the agent.

This order was countermanded, upon notice from the agent that a majority of the nation desired the settlers should be permitted to remain.

To avoid all occasion of censure, you will investigate the circumstances under which titles to lands, or to property, have been acquired from the Indians. If deeds of conveyance of the former are produced, legally executed, for a fair consideration, and with a full understanding of the terms on the part of the Indians, the holders of such instruments will not be disturbed. Other persons, who have taken possession of Indian lands without rendering a fair equivalent, and without the consent of the natives, should be removed. Individuals, also, who have entered the nation ostensibly for purposes of trade, and have settled upon Indian farms without having first acquired a legal right, should be removed.

There is sometimes, in some places, the same facility in obtaining fictitious writs, as in obtaining fictitious deeds. These, if presented, your official experience will enable you to detect, and these you will not suffer to be served. In other cases, process may have been sued out upon fraudulent or overcharged accounts. These the agents and yourself will examine, and when they are properly adjusted, you and they will advise and urge the Choctaws to pay or to secure.

Whenever fair demands are presented, such as have regularly accrued, and of which the charges are reasonable and just, the Government cannot interpose for the protection of the Indians. The treaty makes no provision for the payment of the debts of the Choctaws, and the department cannot direct their payment from the annuities of the nation. They must, when fairly established, be adjusted by the parties themselves.

After all, the prevention of difficulties at the moment of departure, must be effected by moral influence; by representations of the obligations of the Government to the Indians, and the corresponding duty of citizens. This moral influence, however, may be essentially aided by the presence of an officer of the United States court.

I have great confidence in the firmness, good sense, and discretion of the Messrs. Armstrongs, and the tone of your letter leads me to believe that you will concur with them in their general views, and co-operate with them cordially.

Whatever you may jointly determine upon, I have little doubt will be right. They will inform you when and where your services will be required.

I will thank you to show them this letter.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To ANTHONY CAMPBELL.

WAR DEPARTMENT, *August 29, 1832.*

SIR: I have received your letter of the 14th inst., and shall communicate your views to the Secretary of War.

The attention of the department has been recently called to the question submitted by you some time since, (its decision upon which has not, I believe, been communicated to you,) whether blacks were to be considered members of a Cherokee family.

Whenever it may be necessary for you to act upon this matter, you will regard blacks who may emigrate as members of the family in which they are enrolled, so far as to be entitled to subsistence for one year after their removal. But you will not allow for them the gratuity of ten dollars, or any other of the donations provided by the treaty.

I am, &c.,

JOHN ROBB,

Acting Secretary of War.

To BENJAMIN F. CURREY, Esq.,

Cherokee Agency.

WAR DEPARTMENT, *August 29, 1832.*

SIR: A quantity of rifles and beaver traps were shipped at Philadelphia, in the fall of 1830, to New Orleans, part of them consigned to J. Emanuel, and part to T. Toby. The former re-shipped his parcel to Cantonment Gibson, in April last, and Col. Crowell, the Creek agent, informs the department that he directed the latter to do the same, with the lot in his hands, which he refused to do, until the payment of his bill of charges was either made or secured.

I have to request that you will receive from Mr. Toby the case of rifles, and the beaver traps, consigned to him, and pay him what, under the circumstances, you deem to be a fair charge for the storage and other expenses: for this sum you may draw upon the department.

Whenever the state of the waters will permit, you will please to ship the rifles and traps to Cantonment Gibson, consigned to John Campbell, agent for the Creeks west.

I will thank you to report the number of cases of rifles, and the number of traps, you receive from Mr. Toby.

Respectfully yours, &c.

JOHN ROBB,

Acting Secretary of War.

To Capt. SAMUEL SHANNON,

Assistant Quartermaster, New Orleans.

WAR DEPARTMENT, *August 29, 1832.*

SIR: Please to deliver to Capt. Samuel Shannon, assistant quartermaster at New Orleans, the cases of rifles, and the beaver traps, which you now hold subject to the order of Col. Crowell, agent for the Creeks east.

Respectfully, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To THOMAS TOBY, Esq., *New Orleans.*

WAR DEPARTMENT, *August 29, 1832.*

SIR: Your letter of the 20th inst., with its enclosures, and your estimate for the two next quarters of 1832, have been received.

The assistant quartermaster will be directed to receive from Mr. Toby the property in his possession, and to settle his account. He will also ship the rifles and beaver traps to Fort Gibson, when the state of the waters will permit.

Very respectfully,

JOHN ROBB,

Acting Secretary of War

To Col. JOHN CROWELL,
Creek Agency, Georgia.

WAR DEPARTMENT, *August 29, 1832.*

SIR: Thirty cases of rifles were shipped on board the steamboat Reindeer, Miller, master, on the 7th of April, consigned to you at Fort Gibson. These I suppose you have received.

Capt. Shannon, the assistant quartermaster at New Orleans, has been directed to take charge of the remaining cases, and to ship them to you when the state of the waters will permit.

A box, containing 500,000 caps, was shipped from Philadelphia in November, 1830, and it will no doubt be forwarded.

The beaver traps are also in New Orleans, and will be sent with the rifles.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Gen. JOHN CAMPBELL,
Cantonment Gibson.

WAR DEPARTMENT, *August 29, 1832.*

SIR: It having been intimated to the department that the band of Wyandots, in the State of Ohio, who have not relinquished their possessions, are now willing to enter into arrangements for that object, and for their removal west, you are authorized to have an interview with them, and as the agent of the Government, to ascertain the terms upon which they will cede their lands and emigrate.

When you have performed this duty, you will report your proceedings to this department.

If you accept this appointment, it must be a distinct understanding, that your services are to be entirely gratuitous, as the means of the department will not authorize the giving you any compensation.

Very respectfully,

Your obedient servant,

JOHN ROBB,
Acting Secretary of War.

To JOSEPH McCUTCHEM, Esq.,
McCutchenville, Ohio.

WAR DEPARTMENT, *August 29, 1832.*

SIR: In answer to your letter of the 20th inst., I beg leave to observe, that the execution of the several provisions of the Creek treaty, in the ninth and four first sections of the 11th article, has been entrusted to a commission, consisting of Major Benjamin S. Parsons, General Enoch Parsons, and Col. Crowell.

It will be proper for you, therefore, to present any claims you may hold, for property destroyed by white citizens, to those gentlemen, upon whose report the department will act definitively.

The commissioners will meet on the 20th of October at the agency.

I am, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To GEO. W. DILLARD, Esq.,
Columbus, Ohio.

WAR DEPARTMENT, *August 30, 1832.*

SIR: On the 14th of July, a letter was addressed to you, enclosing a commission, constituting yourself, Francis J. Allen and Nathan Kouns, commissioners to carry into effect the act, providing for the extinguishment of the Indian title to lands in the States of Missouri and Illinois. The letters for Messrs. Allen and Kouns, whose residence was not known here, were also forwarded to you.

The receipt of these letters not having been acknowledged, permit me to ask you to inform the department whether they ever reached you; and, whether you and your colleagues accept these appointments? If they did not reach you, duplicates will be transmitted immediately.

I am, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To General WILLIAM CLARK,
Superintendent Indian Affairs.

Copies of the instructions to the commissioners, to visit the tribes west of the Mississippi, were sent the same day. Have they been received?

WAR DEPARTMENT, *August 31, 1832.*

SIR: You are hereby appointed, by direction of the President of the United States, a commissioner, to carry into effect the act of Congress providing

for the appointment of three commissioners, to treat with the Indians, and for other purposes, approved, July 14, 1832.

You will please to call upon his excellency Governor Carroll, for the copies of instructions and other papers transmitted to him, and to consider the instructions as directed to yourself.

Your associates, Governor Stokes and Mr. Ellsworth, intend, I believe, to proceed to St. Louis, and thence accompany Col. Chouteau to Fort Gibson.

The department is not yet informed whether Col. Stambaugh, appointed secretary to the commission, will accept that office. He was supposed to be at Green Bay about the 20th inst.

I have the honor to be, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Doctor FELIX ROBERTSON, *Nashville, Tennessee.*

WAR DEPARTMENT, *August 31, 1832.*

SIR: I had the honor to receive your letter of the 27th ult., on the 9th inst., and have delayed an answer to it under an expectation that circumstances might occur to induce you to alter the decision therein communicated.

That expectation being disappointed, I have to request that you will deliver the instructions and other papers, transmitted to you, to Doctor Felix Robertson, of Nashville, appointed, by direction of the President, to the office you declined.

I have, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To his Excellency WILLIAM CARROLL, *Nashville, Tennessee.*

WAR DEPARTMENT, *August 31, 1832.*

SIR: By direction of the President of the United States, Doctor Felix Robertson, of Nashville, Tennessee, has been appointed a commissioner, in the place of Governor Carroll, who declined the office.

I have the honor, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To his Excellency MONTFORT STOKES,

Raleigh, North Carolina.

[Same to H. L. ELLSWORTH, *St. Louis, Missouri.*]

WAR DEPARTMENT, *August 31, 1832.*

SIR: The President has decided, that the Indians in Ohio may remove by land, provided the expense will not exceed twenty dollars for each emigrant.

Your expenditure for this object, therefore, will not, in any event, exceed that rate; and you will exert yourself to bring it as far within this limit as may be consistent with the positive and necessary wants of the Indians.

If you procure horses, bridles, saddles, &c., as mentioned in your letter

of the 22d inst., they must be paid for from the amount above specified. As the number will probably be from 900 to 1,100, the sum allowed, will, it is presumed, be sufficient to defray all your expenses.

I am, sir, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Col. JAMES B. GARDINER,
Lebanon, Ohio.

WAR DEPARTMENT, *September 3, 1832.*

SIR: I have received your letters of the 12th and 23d of July. Until the return of the President, the plan of the Cherokees, for the application of the education fund, provided for by the treaty, cannot be finally acted upon. The decision will be communicated when known.

You were requested, some time since, to send on a statement of the drafts drawn by you, for improvements recently abandoned by the Cherokees. The amount required at the agency east, has been remitted, and nothing delays a remittance to yourself but the absence of such a statement.

You will please give to this matter immediate attention.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Capt. GEO. VASHON, *Fort Gibson.*

DETROIT, *September 4, 1832.*

DEAR SIR: I find by papers just received from Washington that, so far, the effort recently made to induce the Cherokees to look at their situation as it actually is, and to terminate their difficulties by the only means in their power, or in that of the Government, has been unsuccessful. It seems their council is again to convene in October, and a favorable result is expected by some to attend its deliberations. This, however, is doubtful.

Influenced, as the body of their people are, by interested individuals, it is difficult to calculate upon the course they will pursue. I trust, at any rate, that, in the very liberal offers made to them, full evidence will be furnished to the most prejudiced of the disposition of the Government to place these people in the most eligible position west of the Mississippi.

I shall probably leave here for Washington in a few days, and expect to reach that place about the beginning of October. In the mean time, I have requested Mr. Robb, the Acting Secretary of War, to transmit you copies of all the papers in the department, which can be useful to you in forming an opinion upon the present state of our negotiation with the Cherokees. General Newnan intimated to me last winter that you would be willing to undertake a negotiation with these people upon certain principles stated by him. The subject was submitted to the President, who approved its reference to you. At that time, however, arrangements had been made for submitting new propositions to the Cherokees; and it was not thought prudent to depart from the plan adopted until the effort had been made.

My object in now writing to you is to ascertain whether you are willing to undertake a negotiation with the Cherokees, should their council in October adjourn without acceding to the propositions which have been made to them.

Judge Wayne forwarded to you, I believe, a copy of these propositions, but another is enclosed lest that should not be at hand. They may be considered as the basis of such an arrangement as the President would be willing to approve; but, except in filling up the outline, or in some unimportant change, no other alteration can be permitted.

The offer seems to me to be of the most liberal character; and if more is required, it cannot be required because it is needed, but that it may serve as a pretext for breaking off the negotiation. The Indian agent will be instructed to communicate to you the result of the deliberations of the council, as soon as it is known to him, and should it be unsuccessful, you will oblige me as to your views of the matter.

The whole mode of operation will be discretionary with yourself, should you be disposed to undertake the task of an arrangement.

With much respect,

I am, dear sir,

Your obedient servant,

LEWIS CASS.

To his Excellency WILSON LUMPKIN.

WAR DEPARTMENT, *Sept. 5, 1832.*

SIR: In reply to your letter of the 31st ultimo, I beg leave to observe that, with the express provisions in the treaty before me, and a knowledge of the unwillingness of the President to make payments in advance to the Indians, I cannot grant the request you make, in the name of the Ottawa chiefs, that a part of the \$2,000, stipulated for in the treaty, may be paid to them before their removal.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Col. JAMES B. GARDINER,

Lebanon, Ohio.

WAR DEPARTMENT, *Sept. 6, 1832.*

SIR: In your letter of the 1st instant, received this morning, you seem to have misunderstood the intention of the Secretary of War, and the communication of the department of the 27th ultimo.

The intention of the Secretary was, that the money for improvements should be paid to the Indians by Mr. McElvain, under your direction; and the communications of the department to the agent and yourself were worded to convey this intention.

Col. McElvain has been advised of the necessity of prompt movements; and, I have no doubt, will be in the Indian country soon, when the money will be disbursed by him, under your direction, upon your joint responsibility.

Very respectfully, &c.,

JOHN ROBB,

Acting Secretary of War.

To Col. JAMES B. GARDINER,

Lebanon, Ohio.

WAR DEPARTMENT, *Sept. 10, 1832.*

SIR: Your letter of the 1st instant, with the petition of William Mims, has been received.

It is the intention of the department to select Leonard Tarrant, esq., of Montevallo, to examine and report upon Indian contracts for the sale of land; but his appointment and instructions will not be forwarded to him until he has completed the execution of the 2d article of the treaty which has been entrusted to him.

Very respectfully, &c.,

JOHN ROBB,

Acting Secretary of War.

To Col. JOHN CROWELL,
Creek Agent.

DETROIT, *September 11, 1832.*

SIR: In the ratification, by the Senate, of the treaty concluded with the Menomonies, at Washington, on the 17th of February, 1831, there is a proviso which will require the assent of that tribe before the treaty can be obligatory upon them.

I have the honor to request that you will proceed to Green Bay, and endeavor to procure the assent of the Menomonies to the change proposed by the Senate.

By a reference to the treaty, and to the accompanying resolution of the Senate, you will find the proposed stipulations to which the assent of the Menomonies is desired. For the purpose of procuring this assent, an appropriation of \$3,000 was made at the last session of Congress.

For so much of this amount as may be necessary to accomplish the object, you can draw bills upon the War Department. The appropriation will be applicable to the purchase of provisions and presents, to the payment of your own compensation, and to such other objects as are usual and proper in our intercourse with the Indians upon similar occasions. The expense of this business will, in no event, exceed the amount appropriated; and you will please to transmit to the Treasury the necessary vouchers for your expenditure with as little delay as practicable.

In the execution of this duty, the whole matter must be confided to your discretion. The controversy between the Menomonies and the New York Indians, is well known to you; and the agency which, at the request of the department, you had last winter, in endeavoring to effect a compromise with the latter, has made the subject familiar to you.

It is important to both these parties, as well as to the prosperity of the section of the country in which they are situated, that this perplexing affair should be brought to a conclusion; and I indulge the hope that you will be able to procure the assent of the Menomonic chiefs to the proposed alteration in the treaty. Should you, however, fail in this effort, you will then endeavor to procure their assent to the best practicable terms, short of those proposed by the Senate. You will, in that case, give them to understand distinctly that, in doing this, the Government is not pledged to agree to the terms proposed by them; but that you merely receive the proposition with a view to transmit it for the consideration of the President and Senate. If this course becomes necessary, it would be very desirable that the New York Indians should also signify their acceptance of the modifications re-

quired by the Menomonies; but your first effort will be directed to an attempt to procure the unconditional assent of the Menomonies to the treaty as ratified by the Senate.

You will be allowed the usual pay of an Indian commissioner while executing this duty: that is, eight dollars a day for every day employed, and eight dollars for every twenty miles of travel.

Very respectfully, &c., &c.,

LEWIS CASS.

To his Excellency GEO. B. PORTER,
Governor of Michigan.

DETROIT, *September 11, 1832.*

SIR: Instead of despatching a person to seek an interview with the Ottaways of the Maumee, as authorized by my letter to you of the 4th July last, you are requested to execute that duty in person. It is understood that those Indians will shortly be assembled for the purpose of receiving their annuities, and their views respecting the cession of their lands can then be obtained without the expense of collecting and subsisting them.

You will be allowed for executing this duty, eight dollars a day, and eight dollars for every twenty miles of travel. But no expense whatever will be incurred in effecting the object except for your own compensation.

Very respectfully, &c., &c.,

LEWIS CASS.

To his Excellency GEORGE B. PORTER.

WAR DEPARTMENT, *September 14, 1832.*

SIR: The President of the United States has selected you to fill the vacancy in the board of commissioners to treat with the Indians west of the Mississippi, occasioned by Governor Carroll's declining the appointment.

The instructions and other papers, originally forwarded to Governor Carroll, he was recently requested to deliver to Doctor Felix Robertson, of Nashville. You will apply for and take possession of them, and carry into effect the instructions as if they had been, in the first instance, addressed to yourself.

I have, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To the Hon. WILLIAM E. ANDERSON,
Nashville, Tenn.

WAR DEPARTMENT, *September 14, 1832.*

SIR: No further measures will be taken by the Government in relation to the Cherokees, until the result of the council in October is known. Should it be unfavorable, Governor Lumpkin has been authorized to negotiate with them, upon the basis of the propositions which you conveyed to them.

The Secretary of War has instructed me to express to you his full conviction, that you have done all that it was possible to do, under the circumstances.

I am, &c.,

JOHN ROBB,

Acting Secretary of War.

To E. W. CHESTER,
Lawrenceville, Ga.

WAR DEPARTMENT, *September 14, 1832.*

SIR: Your letter to Mr. Dickens of the 5th, and to Mr. McLane of the 8th inst., have been referred to this department. I have the honor to observe, in reply, that no instructions have as yet been given, as to the manner in which the 3d article of the treaty shall be carried into effect. The duty of certifying the Indian contracts for the sale of land will be entrusted to Leonard Tarrant, esq., of Montevallo, Alabama, but no directions will be given to him, upon this subject, until he shall have made the selections of the locations of the tracts of land granted to the Indians by the 2d article.

I enclose a copy of the instructions to this gentleman, and in addition have to say, that under the Choctaw and Cherokee treaties, widows have been regarded as heads of families, and to express my individual opinion, that persons who have married since the treaty will not be entitled to reservations.

No authority to conclude a treaty with the Creeks, for the purchase of these reservations has been given to Col. Crowell, with whom Major Benjamin S. Parsons, and Gen. Enoch Parsons are associated. They have been requested to consult with the Creeks upon this subject and ascertain their views, and the terms upon which they will sell. The result of this consultation they will report to this department.

Your letters will be retained by permission of the gentleman to whom they are addressed, until the return of the Secretary of War, who is expected to arrive about the 1st proximo, when he will, no doubt, communicate to you the views of the Government upon the several points embraced in them.

I have, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To the Hon. JOHN FORSYTH,
Augusta, Ga.

WAR DEPARTMENT, *September 14, 1832.*

SIR: You are requested to attend the Cherokee council in October, and to inform yourself accurately of all that passes during the session, and of the views and feelings of the nation. You will make a full report to this department without delay.

You are also directed to communicate the result of the deliberations of the Cherokees to his Excellency Governor Lumpkin, so soon as it is known to you.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Col. HUGH MONTGOMERY.

WAR DEPARTMENT, *September 14, 1832.*

SIR: I have the honor to enclose a letter recently received from the Secretary of War, and addressed to your excellency, with copies of all the papers on file, or on record in this department, which can throw light upon

the present state of the negotiation with the Cherokees, to which subject the letter of the Secretary refers.

I have, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To his Excellency WILSON LUMPKIN,
Milledgeville, Georgia.

WAR DEPARTMENT, *September 15, 1832.*

SIR: The importance of securing the entire removal of the Indians from Ohio the present season, is, in the judgment of the Secretary of War, so great, that he has requested me to suggest to you the expediency of your fixing upon a day, by which all your and their preparations shall be completed, and of the Indians being distinctly informed, that if they are not then ready to go, no further assistance will be rendered them.

He is anxious that your movements should be as prompt and rapid as may be practicable, consistently with a judicious and well regulated economy; and, that under no circumstances, should the Indians fail in reaching their destination this fall.

I must renew the injunction in one of my late letters, that you should carefully guard against attempts which may be made to impede your operations, by persons who will seek to obtain the money of the Indians, or to involve them in debt.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To. Col. JAMES B. GARDINER.

WAR DEPARTMENT, *September 17, 1832.*

GENTLEMEN: As the late treaty with the Creeks was negotiated by the Secretary of War, and as he will return to the city within a fortnight, I have preferred postponing a decision upon the several points embraced in your joint letter of the 7th instant, and General Parsons's of the 22d ultimo, until his arrival.

The subject will be submitted to him without delay.

I am, gentlemen, &c.,

JOHN ROBB,

Acting Sec'y of War.

Messrs. PARSONS and ABBOTT,

Commissioners to take Creek census, Fort Mitchell, Ala.

WAR DEPARTMENT, *September 17, 1832.*

SIR: I have had the honor to receive your letter of the 30th ultimo.

Funds to pay the expenses of the deputation selected to visit the country west of the river, were remitted to Governor Duval on the 21st ultimo. The commissioners to whom the conductor of the party will report, will be at Fort Gibson about the 1st of October. I hope no untoward event will occur to disturb the arrangement concluded by you with the nation. The

efforts of designing men, however, can only be counteracted by the constant vigilance and active exertions of the superintendents and agents.

In your own ability and willingness to render important services, the department has entire confidence.

I am, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Col. JAMES GADSDEN, *Tallahassee, Florida.*

WAR DEPARTMENT, *September 17, 1832.*

SIR: In the event of your declining to take the census of the Creeks, Major Parsons and yourself were authorized to select some individual to perform that duty.

I infer, from a letter received this morning, that Mr. Thomas J. Abbott has been so selected, as it has been signed by him, for you. If this arrangement has been made, it will be proper that you should deliver to Mr. Abbott the instructions of 14th May, which he will consider to have been addressed to himself, and proceed to execute, as the principal.

I am, &c.,

J. ROBB,

Acting Secretary of War.

Gen. ENOCH PARSONS.

WAR DEPARTMENT, *September 18, 1832.*

SIR: You were notified; on the 14th instant, of the intention of the department to confide the further prosecution of the negotiation with the Cherokees to Governor Lumpkin, should the council, at the session in October, persist in their refusal to accept the propositions of the Government.

The speedy and amicable adjustment of this matter is so desirable, that no proper means should be omitted; and the department requests that you would attend the meeting of the council as the agent of the Government, and urge upon the Cherokees the many powerful considerations you well know to exist in favor of their removal. In performing this duty, you will be careful not to hold out any inducements other than those contained in the propositions.

The Indian agent, Colonel Montgomery, has been directed to attend the council; and I recommend your cordial co-operation, to effect the objects of the Government.

Very respectfully, &c.,

JOHN ROBB,

Acting Secretary of War.

To E. W. CHESTER, Esq.

WAR DEPARTMENT, *September 21, 1832.*

SIR: I have received your letter of the 4th instant.

Upon the representation made by you of the conduct of * * * the department has no hesitation in confirming his dismissal, and in directing you to take all proper measures to prevent the Indians from suffering in consequence of his practices.

The settlement of the boundaries of the Creek and Cherokee lands, west of the Mississippi, has been referred to the commissioners recently appointed to visit that region, upon a survey to be made by Mr. McCoy. Until these duties have been executed, an answer cannot be given to your question respecting the tract lying immediately in the forks of the Canadian and the Arkansas.

I am, sir, &c.,

JOHN ROBB,
Acting Secretary of War.

To BENJAMIN F. CURREY, Esq., *Hightower, Ga.*

WAR DEPARTMENT, *September 22, 1832.*

SIR: I have this morning received your letters of the 10th instant. One accompanying the accounts of Mr. Street, the other repeating your request for a copy of the map and field-notes of Mr. McCoy.

Copies of the field-notes were prepared in the Indian bureau in season to send to you, as promised April 27th, but were detained for the map, which was not completed until near the close of the session; then, the subject for the decision of which you required them (the claim of the Panis to land assigned to the Delawares) having been referred to Governor Carroll and his associates, the map and the field-notes were forwarded to him.

The original of the field-notes is enclosed; which, when recorded in your office, you will please to return; and I am told a copy of the map will be ready on the 24th.

You are authorized to instruct the persons now employed in making surveys within your superintendency, to transmit them through your office to this department, except Mr. McCoy, whose instructions require his presence at Fort Gibson by the 1st proximo; and who has been directed to forward to your address, for Colonel Gardiner, a copy of his survey of the tracts assigned to the Ohio Indians.

I am, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To General WILLIAM CLARK,

Superintendent of Indian Affairs, &c.

WAR DEPARTMENT, *September 22, 1832.*

SIR: I have received your letter of the 12th instant, in which you decline the appointment of commissioner.

I regret the existence of the reasons which have induced this determination, which was communicated to the department by the President, on the 4th instant, and a commission forwarded, by his direction, to Mr. Anderson, of your city.

I am, &c., &c.,

JOHN ROBB,
Acting Secretary of War.

To Doctor FELIX ROBERTSON,

Nashville, Tennessee.

WAR DEPARTMENT, *September 24, 1832.*

SIR: I have received your letters of the 7th and 15th ultimo. You will not proceed with the business of vaccination until further advised, except it can be performed upon the terms originally prescribed. With a limited appropriation, to be distributed among many tribes, a greater allowance cannot be made to any one agency, till the probable wants of all are ascertained. If you have employed physicians for an increased compensation, their services must be discontinued.

Upon the return of the comptroller, a requisition will issue in your favor for twenty thousand seven hundred dollars, which you will account for under the following heads:

Pay of agent	-	-	-	-	-	-	-	\$250
Interpreter	-	-	-	-	-	-	-	200
Gun and blacksmiths	-	-	-	-	-	-	-	400
Iron and steel	-	-	-	-	-	-	-	50
Transportation	-	-	-	-	-	-	-	100
Provisions	-	-	-	-	-	-	-	150
Contingencies	-	-	-	-	-	-	-	150
Per act of 31st May, 1832	-	-	-	-	-	-	-	\$1,300
To pay for improvements abandoned by Cherokee emigrants, per act 4th June, 1832	-	-	-	-	-	-	-	19,400

The balance of your salary is retained, to meet your draft in favor of Doctor Fleming, for \$500.

The balance of the amount due at your agency for improvements, \$10,000, was remitted to you on the 11th of August.

As the balance of the capitation money due to emigrants, for which you have not drawn, is so small, you are authorized to issue drafts for the amount.

Very respectfully,

Yours, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Captain GEORGE VASHON,
Cantonment Gibson.

WAR DEPARTMENT, *September 27, 1832.*

SIR: I enclose a copy of the Creek code, requested in your letter of the 10th instant.

Very respectfully, &c.,

JOHN ROBB,

Acting Secretary of War.

General ENOCH PARSONS.

WAR DEPARTMENT, *September 26, 1832.*

SIR: I have received your letter of the 18th instant. Upon the return of the Secretary of War, a person will be selected to value the Wyandot improvements.

The report of Colonels Gardiner and McElvain has been returned to them, to obtain the approval of the compromise, entered into by the parties, of the individuals who signed the treaty, and some evidence that it was acceptable to a majority of the nation. No payments will be made for improvements until a second report is received.

Very respectfully, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To JOSEPH McCUTCHEM, Esq.,

McCutchenville, Ohio.

WAR DEPARTMENT, *October 1, 1832.*

SIR: In reply to your letter of the 22d ultimo, I can only express the wish of the department, that the intended visit of the deputation of western to the eastern Creeks, may result in an amicable adjustment of all differences.

If, upon the return of the Secretary of War, who is expected to arrive this evening, special instructions to Colonel Crowell, in relation to this object, be thought necessary, they will be forwarded without delay.

Very respectfully, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To General JOHN CAMPBELL,

Fort Gibson, Arkansas.

WAR DEPARTMENT, *October 2, 1832.*

SIR: Annexed you will find a copy of the second section of the act of July 13th, 1832, making appropriations to carry into effect certain Indian treaties. The amount due the several persons therein named, with the exception of N. Miller, were paid to J. W. Flowers this season; the sum of \$1,072 50 is due to Miller, and you will inform him that it will be paid to his order.

You will also take the necessary measures for executing the duties prescribed in the last clauses of this section, and report your proceedings to this department.

Very respectfully, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Captain GEORGE VASHON,

Cantonment Gibson, Arkansas.

WAR DEPARTMENT, *October 3, 1832.*

GENTLEMEN: In reply to your letter of the 15th ultimo, I beg leave to inform you, that the draft for fifteen thousand dollars, of which you advised the department, and which has been presented here, cannot be paid.

It is not the practice to make greater advances to public agents than the probable exigencies of their duties require; and as it does not appear from your communication that the whole sum of twenty thousand will be wanted immediately, I have directed a requisition to issue in your favor for five

thousand dollars, which, with the former remittance, will, I presume, be amply sufficient to meet every present demand.

Mr. Canby has been advised of this decision.

I am, gentlemen, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To the Honorable JONATHAN JENNINGS,

JOHN W. DAVIS, and

MARKS CRUME, Esqs.,

Logansport, via Fort Wayne, Indiana.

WAR DEPARTMENT, *October 3, 1832.*

SIR: Your letter of the 22d ultimo has been received. The commissioners have been informed that their draft in your favor for fifteen thousand dollars, cannot be accepted. No authority was given to these gentlemen to draw for the whole amount of the appropriation at once, but only for such sums as they should from time to time require.

As it is not stated by them that the whole amount is now wanted, the department perceives no sufficient reason for departing in this instance from the usual practice.

I am, sir, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Doctor J. T. CANBY,

Crawfordsville, Indiana.

WAR DEPARTMENT, *October 3, 1832.*

SIR: Having conversed with you *fully* upon the nature of your duties, on your arrival among the emigrating Indians, from the State of Ohio, under the direction of Col. James B. Gardiner, special agent, it is unnecessary, in this communication, to particularize.

The department, entertaining full confidence in your judgment and ability, commits the *whole* subject to your discretion, with power to adopt all such measures, as, in your opinion, the honor of the Government, and the interest of the Indians may require.

You will keep the department advised of your operations.

I have, &c.,

JOHN ROBB,

Acting Secretary of War.

Col. J. J. ABERT,

Washington.

WAR DEPARTMENT, *October 4, 1832.*

SIR: You are appointed a commissioner to carry into effect the act of Congress, of June 14, 1832, to provide for the appointment of three commissioners to hold Indian treaties and for other purposes.

A copy of the instructions originally sent to Governor Carroll, to fill the vacancy occasioned by whose declination you have been selected, are enclosed, and you will please to consider them as addressed to yourself.

As the day designated for the meeting of the board has passed, and your associates, Governor Stokes and Mr. Ellsworth, have proceeded to Fort Gibson, it is desirable that you should notify the department, without delay, of your acceptance or non-acceptance of this trust. And, if you accept, that you should lose no time in repairing to your destination.

You will find at Fort Gibson copies of all the other papers mentioned in your instructions.

I have, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To WILLIAM JAY, Esq.,
West Chester.

P. S. If you decline this appointment, I will thank you to return the copy of the instructions.

WAR DEPARTMENT, *October 4, 1832.*

SIR: As Doctor Robertson and the honorable Mr. Anderson have both declined the appointment of commissioner, offered them by the President, I have to request that you will forward copies of all the papers which have been transmitted to you, to the commissioners at Fort Gibson, under cover, addressed to Col. Matthew Arbuckle, or the officer in command at that post.

I have, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To his Excellency WILLIAM CARROLL,
Nashville, Tennessee.

WAR DEPARTMENT, *October 5, 1832.*

SIR: I have received your letters of the 18th and 19th September. The schedules of relinquished reservations are enclosed.

The duty of investigating the charges of fraud practised upon the Indians, in the purchase of lands, has been transferred, at your suggestion, to William Armstrong.

Your letter, upon the complaint and petition of Molly Nail, has not been received.

Very respectfully

Yours, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Major F. W. ARMSTRONG,
Choctaw Agency.

WAR DEPARTMENT, *October 5, 1832.*

SIR: Major F. W. Armstrong has informed the department that he left with Colonel Ward instructions and other papers, forwarded to him, in relation to alleged frauds upon certain Indians, in the purchase of their lands.

Upon his suggestion, the duty of examining this matter is entrusted to

you; and you are authorized to receive from Colonel Ward these papers, that you may be prepared to enter upon the investigation immediately after the emigration of the Choctaws is completed.

Very respectfully, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To WILLIAM ARMSTRONG, Esq.,

Choctaw Agency.

WAR DEPARTMENT, *October 5, 1832.*

SIR: I have had the honor to receive your letter of the 25th ultimo, and you will permit me to express my sincere regret that so severe an affliction should have occurred, to prevent your acceptance of the office of commissioner.

If the papers, forwarded to Governor Carroll, have been placed in your hands, I will thank you to return them to him, as he has been requested to forward them to Fort Gibson.

I have, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To the Hon. WILLIAM E. ANDERSON,

Nashville, Tennessee.

WAR DEPARTMENT,

Office Indian Affairs, October 9, 1832.

SIR: During the absence of the Secretary of War from this place, Mr. Robb, the Acting Secretary, expressed his own opinion on certain questions arising under the Creek treaty, and proposed by yourself to the honorable Louis McLane.

The Secretary of War has now returned, and having considered the proposed questions, I have the honor to state, that he approves the opinions of Mr. Robb, so far as he has answered your interrogatories.

In further answer to your inquiries, I am instructed to state, "that where no improvements existed, prior to the treaty, there could be no right to make improvements, and to secure them by the selection of a whole or half section of land around them."

In the construction of the treaty, reference must be had to the state of things, as it then actually existed, and not as to what it might possibly be at any time afterwards.

The surveys of the land have not yet been made; after they shall have been completed, and deposited in the General Land Office here, accurate information, touching the location of the different Indian reservations, may be obtained at that office: so that persons desirous of buying them may purchase with safety.

The President has not yet given directions concerning the mode of conveying Indian reservations; nor the manner in which contracts, relative to them, must be certified; nor as to the proof of payment, on such contracts as may be approved by him.

After the surveys shall have been deposited in the General Land Office,

such directions will be given; and information on the several foregoing points may be there obtained.

I have the honor to be,

With great respect,

Your obedient servant,

ELBERT HERRING.

To the Honorable JOHN FORSYTH.

WAR DEPARTMENT,

Office Indian Affairs, October 9, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th ultimo, to the Secretary of War, requesting that the amount of two promissory notes, given by the Shawnees to Parks and Burnett, may be deducted from the Shawnees' annuity.

Similar applications have been frequently made within the last year, and have been uniformly rejected. The Indians must pay their own contract debts. The intercourse act authorizes deduction from Indian annuity only in case of depredation.

The regulation of the department, founded on that act, cannot be deviated from. The only mode of your receiving payment from that fund is to prevail upon them, when they receive their annuity, to pay it over for your benefit to the Indian agent, or any other person you may designate.

With much respect, &c., &c.,

ELBERT HERRING.

To R. A. FORSYTH,

Maumee.

WAR DEPARTMENT, *October 9, 1832.*

SIR: Your letter of the 3d instant, upon the subject of the Ohio emigrating Indians, has been received.

Previously to the reception of your letter, measures had been taken for an investigation of the whole matter, which will no doubt result in a satisfactory adjustment of the difficulties complained of. In the mean time, you will exert your influence in restoring harmony among the disaffected, and exert your best energies to a promotion of the benevolent objects of the Government.

Mr. McCutchen has applied to the department for funds to be expended in his contemplated visit to the Wyandots, in the purchase of rations and payment of interpreters. This cannot be done.

The department understood that the Wyandots were willing to sell out and emigrate; and Mr. McCutchen was requested to ascertain if such were the fact, provided it could be done without any expense to the Government. He has been informed of the decision of the department upon his application.

Very respectfully, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

To Colonel JOHN McELVAIN,

Indian Agent, Columbus, Ohio.

WAR DEPARTMENT, *October 9, 1832.*

SIR: Your letter of the 28th ultimo has been received, and in answer, I have to observe, that the experience already had with the Wyandots will not justify the department in expending a single dollar, in ascertaining their views upon the subject of a relinquishment of their possessions and removal west. In requesting your services for the above object, in the letter from the department of the 29th of August, it was not only intended that those services should be gratuitous, but that they should be unattended with *any* expense to the Government, in the character of either rations or interpreters.

If you can, upon these conditions, comply with the request of the department, you will be entitled to, and will receive, the thanks of the Government.

Respectfully, &c., &c.,

JOHN ROBB,

Acting Secretary of War.

TO JOSEPH McCUTCHEEN, Esq.,
McCutchenville, Ohio.

WAR DEPARTMENT, *October 10, 1832.*

SIR: I have the honor to acknowledge the receipt of your letter of the 15th ultimo, and to observe, that the department receives the explanation of your proceedings as perfectly satisfactory, and approves of the manner in which you have fulfilled the instructions of April 5th.

The District Attorney will be authorized to defend any Indians against whom writs may be issued, upon the complaint of white persons removed by you as intruders; and you will please to direct him to the best sources for the collection of testimony.

I am, &c.,

LEWIS CASS.

ROBERT L. CRAWFORD, Esq.,
Marshal, &c., Alabama.

WAR DEPARTMENT, *October 10, 1832.*

SIR: The marshal of the southern district of Alabama, acting under instructions from this department, has removed all white persons who had intruded upon the lands of the Creek Indians.

These instructions were in fulfilment of the provisions in the 5th article of the treaty with the Creeks of March 24, 1832, a copy of which is enclosed, and they were to be executed in the mode therein prescribed.

The marshal had informed the department, that some persons who had been removed as intruders, had instituted actions of trespass against the Indians, who had been reinstated in their possessions. I have to request that you will make inquiry as to the facts, and appear as counsel for the Indians thus sued, in all cases where a defence good in law and equity can be made.

You will please report your proceedings to this department.

Very respectfully, &c., &c.,

LEWIS CASS.

TO JOHN ELLIOTT, Esq.,
District Attorney, Mobile, Ala.

WAR DEPARTMENT,

Office Indian Affairs, October 10, 1832.

SIR: Your letter of the 28th ultimo has been received, and the amount required for the payment of those persons named in your letter will be promptly forwarded to you.

The subject mentioned at the close of your communication, touching the expediency of commissioners treating with certain districts, &c., will be communicated to the President on his return; and, after consulting him, the result will be made known to you.

With respect, &c.,

ELBERT HERRING,

Com. Indian Affairs.

To BENJAMIN F. CURREY, Esq.,
Calhoun, Tennessee.

WAR DEPARTMENT,

Office Indian Affairs, October 10, 1832.

GENTLEMEN: I have the honor to acknowledge the receipt of your several letters of the 22d of August and 7th of September, and to communicate the following answers to your various interrogatories.

A white man, who, before the date of the late treaty, had married a Creek woman, and had an Indian family, and resided in the Creek nation, must under the construction of the treaty, be considered the head of an Indian family; and, as such, is entitled to a section or half section of land, guaranteed by the treaty to heads of families of certain descriptions. His marriage with a Creek woman, and his residence in that nation, constitute him one of their tribe. He had become incorporated with them, was amenable to their laws, and eligible as one of their principal chiefs; and, if so elected, might, as such chief, have been entitled to a section of land.

The chiefs and warriors, or their children, who resided in the nation, at the time of the late treaty, and who received reservations under the treaty at Fort Jackson, are entitled to reservations.

By the treaty of Fort Jackson, those chiefs and warriors, who, in the late unprovoked and inhuman war waged by the Creeks against the United States, had remained friendly to this country, and taken an active part against their own countrymen, were entitled to certain reservations, which should inure to them and their descendants.

This benefit or reward was bestowed upon them for their services and fidelity to the United States; they and their descendants have continued to occupy the same. There has been no voluntary abandonment. They ought not, by an act of their nation with the United States, and which they could not prevent, to be dispossessed of these reservations. If they should, their fidelity to this country would place them in worse plight than those who took up arms against it. The good faith of this Government demands protection and indemnity for them, so far as the present state of things, and existing relations with their nation will allow. These reservations, thus secured to them as a reward for their services and fidelity to the United States, must be continued to them.

Those Creeks who removed to Arkansas, in 1826, 1827, and have since returned, are not entitled to reservations.

There was a fair and full agreement with them. There was an exchange of land with them, their improvements were liberally paid for, and the Government defrayed the expense of their removal, subsisted them for one year after their transportation, and paid them a bounty for going. The Government fulfilled all its obligations. They went, and there they should have remained. They have no right by their return to subject the Government to an additional expense. If one had the right to return, and thereby to acquire equal rights with those who never removed, then had they all the same right to return, and the Government would in vain have paid them a bounty for going, and have incurred the expense of their removal and subsistence.

An Indian having several wives, living in different houses, and having inmates under their control, must be considered as the head of their several families, and entitled on their account to only one reservation.

The wife, thus living separately from her husband, and having her children, or other inmates living with her, is not the head of a family so as to entitle her to a reservation. The husband is the head of each family, though living separately, in the same manner as if all the families were congregated under one roof, and constituted one family. An Indian woman who has been married, and has her children, or others, residing with her in her house, cannot be considered the head of a family so as to entitle her to a reservation, unless she be a widow, or is duly separated from her husband, and entirely free from his control.

Indians who had no family at the time of the treaty, and have married since, are not entitled to reservations. In the construction of the treaty reference must be had to the state of things as they then actually were, and not as to what they might be at any time afterwards. An Indian, whether of full or half blood, who has a female slave living with him as his wife, is the head of a family, and entitled to a reservation.

An Indian, who has been forcibly expelled from his home, if he be the lawful head of his family, will, notwithstanding the violence done him, be entitled to a reservation; otherwise commissioners would sanction injustice, and permit a wrongdoer to take advantage of his own wrong.

With respect to Indian claims for spoliation, provided for in the treaty of Fort Jackson, and to which you have adverted, I have only to observe, that if just, it is obligatory on the Government to satisfy them. Its obligation extends no further than to discharge the demands. If the claimants choose to pay their agent an extravagant sum, they have the right; but so far as the power of the department can save them from extortion and imposition, it shall be exerted in their behalf.

In reply to the query submitted by Mr. Abbott, in his letter of the 29th ultimo, I have to observe, that although not required for any purpose under the treaty, it will be well for the commissioners to enter, in a separate column, the number of slaves in each family.

I have, &c.,

ELBERT HERRING.

Messrs. E. PARSONS,
B. S. PARSONS,
JOHN CROWELL,
Commissioners, &c.

WAR DEPARTMENT,

Office Indian Affairs, October 10, 1832.

SIR: You are authorized to inform the Cherokees that this department approves of the disposition they have made of the treaty fund for education, as stated in the letter of the council to you, of July 14th, 1832. And you will select competent teachers for the several schools, or approve of those which may be selected by the council, as circumstances may require.

Very respectfully, &c., &c.,

ELBERT HERRING.

To Capt. GEO. VASHON,
Fort Gibson.

WAR DEPARTMENT, *October 11, 1832.*

SIR: Your letter of the 8th instant is received; and mine, of this date, will inform you of the receipt of the treaties referred to, and of the views of the department in relation to them.

The muster rolls of Captains Covell and Warrick's companies have been referred to the Paymaster General for the usual examination and action of his department.

In regard to the Kickapoo Indians, I have to request that you would, informally, ascertain whether they are willing to enter into an arrangement for the cession of their lands in Illinois, and for their removal west of the Mississippi river; and if they are, authority will be given to you to negotiate a treaty for that purpose.

You will take such measures to ascertain their feelings upon this subject, as may be deemed the most advisable.

Very respectfully, &c., &c.,

LEWIS CASS.

To his Excellency JOHN REYNOLDS,
Governor of Illinois.

WAR DEPARTMENT, *October 11, 1832.*

SIR: I have received the reports of the commissioners, together with the treaties of cession, negotiated with the Sac and Fox, and with the Winnebago Indians. These treaties are very satisfactory, and I am happy to find that the interest of the Government, and the security of the frontier, have been carefully kept in view by the commissioners, and in a spirit of proper liberality towards the Indians.

Allow me to congratulate you upon this fortunate consummation of your arduous duties, and to express my entire approbation of the whole course of your proceedings during a series of difficulties, requiring higher moral courage than the operations of an active campaign, under ordinary circumstances.

Very respectfully, &c., &c.,

LEWIS CASS.

To Major General SCOTT,
Commanding Eastern Department, New York.

WAR DEPARTMENT, *October 11, 1832.*

SIR: I have received the reports of the commissioners, together with the treaties of cession, negotiated with the Sac and Fox, and Winnebago Indians.

These treaties are very satisfactory, and, I trust, they will secure the peace of that frontier; and place our Indian relations upon a permanent foundation.

Very respectfully, &c., &c.,

LEWIS CASS.

To his Excellency JOHN REYNOLDS,
Governor of Illinois, Belleville.

WAR DEPARTMENT,

Office Indian Affairs, October 12, 1832.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter, of the 29th ultimo, to the Secretary of War, and to assure you of his high gratification with your minute, perspicuous, and able communication, evincing deep solicitude to promote the welfare of the Indians, and the policy of the Government, as connected with that object.

It is to be regretted that such obstacles as you mention, or any other, should prevent the speedy removal of the Creek Indians to the west. It is the only measure to secure their welfare, or even their preservation as a nation. It is, indeed, strange that they manifest such an obstinate unwillingness to remove, when, from an enumeration of their grievances in their council talk, addressed to yourselves, they seem to realize the disadvantages of their present position, and the increasing sufferings and perils to which they are subjected. It is to be hoped that, in a short time, better counsel will prevail, and induce them to leave a country where oppression and ruin must be their portion.

The arrangements which you have suggested, as likely to prevail upon many to remove without delay, cannot be entered into. The President is not authorized to purchase their lands. An act of Congress is necessary to confer that power. Nor has he authority to convey to them, individually, in fee, small portions of land west of the Mississippi. A sufficient quantity of land for their accommodation in that quarter has been allotted to their nation. It will rest with them to parcel it out among themselves.

It is a misrepresentation that any land company, or any individual, has been furnished by this department with a copy of all the instructions given to the several agents, employed by the Government, to carry into effect the treaty.

Information on some general questions arising under that treaty, has been furnished; but nothing of a secret nature, and nothing but what would have been given to any other applicant.

For the reason mentioned in your communication, the Secretary of War authorizes you to employ Mr. Abbott as secretary of your board, when investigating the claims which will be presented to you.

In the course of a few days an answer will be given to you concerning the payment of provisions furnished the Creeks during the sitting of their council.

I have the honor, &c.,

ELBERT HERRING.

Colonel JOHN CROWELL,
General ENOCH PARSONS,
Colonel BENJ. S. PARSONS, } *Commissioners, &c.*

WAR DEPARTMENT,
Office Indian Affairs, October 13, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant, and to observe, in reply, that, by reference to the treaty of Chicago, you will perceive that, in addition to the annuity of five thousand dollars for twenty years, the United States agreed to pay to the Pottawatamies one thousand dollars for fifteen years, to support a blacksmith and teacher. By the second article of the treaty of September 20th, 1828, the United States agree that the blacksmith, stipulated by the treaty of Chicago for fifteen years, shall be permanently supported. In the same section of this second article it is provided, that an annuity of one hundred dollars shall be paid to the principal chief.

These two sums make the amount in question, and I trust this explanation will satisfy you that the remittance of sixteen thousand eight hundred dollars was correct.

The annuity of one thousand dollars, due to the Senecas who have emigrated, I will thank you to remit to General Clark, at St. Louis, to whom the necessary instructions will be given.

I have, &c., &c.,
ELBERT HERRING.

To his Excellency GEORGE B. PORTER,
Detroit.

WAR DEPARTMENT,
Office Indian Affairs, October 13, 1832.

SIR: Governor Porter has been instructed to remit to you, one thousand dollars, an annuity due to the emigrated Senecas of Lewistown, which you will please to pay them at such time as you may think most convenient.

I am, very respectfully,
Your obedient servant,

To Gen. WILLIAM CLARK,
Supt. of Indian Affairs, &c.
ELBERT HERRING.

WAR DEPARTMENT,
Office Indian Affairs, October 15, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant to the Secretary of War.

In answer to the questions therein proposed I must observe, that the Government has no authority to pay the Creeks for their reservations. It would be unwise in any of them to dispose of their rights until their reservations are located, because by such precipitancy, they would not receive an adequate consideration.

In order to facilitate speedy removal of the Creeks, those heads of families, entitled to reservations, who wish to emigrate this fall, may, by power of attorney, authorize a person to act for them, and the acts of their attorneys would be equally valid with their own.

With great respect,
Your humble servant,

Col. JOHN CROWELL,
118* Creek Agent, &c.
ELBERT HERRING.

WAR DEPARTMENT,

Office Indian Affairs, October 15, 1832.

BROTHERS: Your letter of the 27th Septémber, addressed to the Secretary of War, has been received, and referred to me to answer.

The Secretary regrets that you feel yourselves aggrieved in any of the particulars mentioned in your letter. But, while he and your great father are anxious for your welfare, and determined, to the utmost of their power, to enforce a faithful execution of the treaty with you, they fear that, in some instances, injustice may be done to you by the worthless part of our own people, who respect no law, and fear no punishment.

With respect to debts against you, the commissioners have been instructed to allow none, unless admitted by yourselves, and fully and clearly established. Those debts which you call national, and for which you have made yourselves responsible, will be allowed; and after the payment of all such just debts, the balance of the \$100,000 will be paid over to your chiefs, to be distributed as your tribe may direct. And this you will perceive is exactly according to the treaty. You must have no anxiety upon the subject. It will all be right.

Orders have been given to expel and keep intruders from your land. Some unprincipled and desperate men may return, but, whenever such an act of temerity is known, the expulsion will be more summary than at first; and, if necessary, to protect you from wrong, the military force will be increased.

In the present state of circumstances, you will see the necessity of forbearance and patience on your part; and it is to be hoped that you will not suffer yourselves to be guilty of acts of aggression.

You may rest assured that it is the desire and constant effort of the Government to protect and benefit your people.

By referring to the treaty, you will see that the twenty-nine sections provided for in the 6th article, are to be given to such persons as your tribe shall designate, and that the locations must include the improvements of the persons thus designated, so as to have them near as may be in the centre. The location of the twenty-nine sections will, therefore, in almost all cases, be determined by the improvements of those persons whom your tribe will point out as entitled to receive them.

If, among those twenty-nine persons thus selected by your tribe, there should be any individuals without improvements, the agent of Government, Mr. Tarrant, has been directed to locate their sections in such manner as that ample justice shall be done to them.

Your friend and brother,

ELBERT HERRING.

To NEHAH MICCO and OTHERS,

Chiefs of the Creek nation.

WAR DEPARTMENT,

Office Indian Affairs, October 16, 1832.

SIR: The Secretary of War has informed me that, in your letter to him of the 29th ultimo, one subject remains unanswered; and I am instructed to say that, in further negotiating with the Ottaways for their reservation of the Maumee, you are at liberty to offer them one dollar per acre, provided they

see fit to remove into Canada. But, if they should make a wiser determination, and agree to remove west of the Mississippi, 40,000 acres of good land shall be given to them in that quarter, together with fifty cents per acre for their 32,000 acres; or whatever may be the quantity of their cession. The Government will, in addition, pay the expenses of their removal and subsistence for one year, after their arrival at their western home, and will give them 120 blankets, 35 rifles, 50 axes, 18 ploughs, 50 hoes, 30 sets of horse gears, and Russia sheeting sufficient for tents for their whole band. These terms are so liberal, and, if acceded to, would result so beneficially to them, that it is to be hoped you may not find much difficulty in making an arrangement with them.

If, however, the terms should not be accepted by them, you will be pleased to ascertain their minimum price.

I have, &c., &c.,

ELBERT HERRING.

To his Excellency GEORGE B. PORTER,
Detroit, Michigan Territory.

WAR DEPARTMENT,

Office Indian Affairs, October 16, 1832.

SIR: As the Creeks seem to have misapprehended the intentions of the department, in the instructions given you for the fulfilment of the 6th article of the treaty, you will please to communicate to them the following statement, which you will also consider as explanatory of that part of the letter of the 24th of June.

The Creeks will designate the twenty-nine individuals to whom the reservations of that article shall be assigned. You will then locate these sections, so as to include the improvements of these individuals; and, before giving them possession, you will procure from the chiefs an instrument in writing, expressing it to be the wish of the Creeks, that these individuals should receive these sections.

If, among the individuals selected by the chiefs, there should be any who have no improvements, you will locate their sections, "where you think proper and equitable, and in one body, if the quality of the land will allow it to be done with justice to the parties."

The result of this measure will be, that so far as the individuals designated have made improvements, so far the Creeks themselves will direct where the reservations shall be located; and this arrangement ought to be, and I trust will be, perfectly satisfactory to them.

I am, &c.,

ELBERT HERRING.

To LEONARD TARRANT, Esq.

WAR DEPARTMENT, *October 17, 1832.*

DEAR SIR: On my return, a few days since, I found your letter of the 22d of September, and I cannot, in justice to my own feelings, refrain from expressing my acknowledgments for the kind manner in which you have spoken of the efforts of the Government to induce the Cherokees to establish themselves permanently in the country west of the Mississippi, where alone is the slightest hope of their national or even individual prosperity.

I shall not fail to lay your letter before the President on his return, who will, I am confident, be highly gratified with the spirit in which you appreciate his objects and arrangements.

There can be no possible objection to the communication to the Legislature of Georgia of the proposition offered by this department, under the instructions of the President, to the Cherokee Indians.

With great respect, &c., &c.,

LEWIS CASS.

To his Excellency WILSON LUMPKIN.

WAR DEPARTMENT,

Office Indian Affairs, October 20, 1832.

SIR: Joseph McCutchen, esq., has been appointed to value the improvements of the Wyandots, under the third article of the last treaty with them.

You will notify the tribe of this appointment, and request them to choose a second appraiser, who will be governed by the instructions addressed this day to Mr. McCutchen.

I observe that Mr. McCutchen signs himself sub-agent. The department not having made any appointment, you will, to prevent any misapprehension, inform him that he cannot, at present, be recognized in this character.

I am, &c. &c.,

ELBERT HERRING.

To Col. JOHN McELVAIN,
Upper Sandusky, Ohio.

P. S. You will report to the department the name of the person selected by the Indians.

WAR DEPARTMENT,

Office Indian Affairs, October 20, 1832.

SIR: You have been selected, by the Secretary of War, to carry into effect the 3d article of the treaty with the Wyandots of January 19, 1832.

Col. McElvain will be instructed to procure the appointment, by the Indians, of your associate. When they have done this, you will both conform to the directions herein given in the execution of your duties. Should a difference of opinion occur between you, the treaty provides that you shall call to your assistance some competent citizen of Crawford county.

You will endeavor to act with perfect impartiality, to hear the statements and estimates of the Indians, and to examine personally every thing pointed out to you. You will then determine the amount to be paid, influenced neither by a desire to be generous on the one hand, nor parsimonious on the other. You will prepare duplicate rolls, in which you will enter, in separate columns, the name of each owner of land, the situation of his tract, the number of acres under improvement, distinguishing the different kinds thereof, the extent of the fences, the buildings, and any other improvements which add real value to the land, not herein enumerated, stating the value of each, and showing the aggregate of the whole.

After you have finished your duties, you will transmit one of these duplicates to this department, and the other you will forward to the superintendent at Detroit.

To guard the Indians against attempts to defraud them, it is desirable that no certificates of this valuation should be issued, but that the rolls themselves should furnish all the evidence upon the subject, until the appraisement is approved here, and the time and place of payment is determined.

This measure will not only be decidedly for the security and advantage of the Indians, but it cannot be productive of any inconvenience, as the communication with this department can be effected in a few days, and its decision obtained.

Your compensation will be five dollars for every day in which you are actually engaged in this duty, and five dollars for every twenty miles of travel.

I am, sir, &c. &c.,

ELBERT HERRING.

To JOSEPH McCUTCHEM, Esq.,
McCutchenville, Ohio.

WAR DEPARTMENT, *October 22, 1832.*

SIR: You have been selected as a commissioner, on the part of the United States, to carry into effect the act of Congress of July 14, 1832, providing "for the appointment of three commissioners to hold Indian treaties, and for other purposes."

You will receive herewith a copy of the instructions originally addressed to Governor Carroll, which you will please to consider as directed to yourself.

As the time appointed for the meeting of the board has passed, and your associates, Governor Stokes and Mr. Ellsworth, have proceeded to Fort Gibson, you are requested, if you accept this trust, to repair to that post without any unnecessary delay.

I have, &c., &c.,

LEWIS CASS.

To the Rev. J. F. SCHERMERHORN,
Of Utica, New York, now at Washington.

WAR DEPARTMENT,

Office Indian Affairs, October 23, 1832.

GENTLEMEN: You will receive herewith copies of certain papers, giving information on the subject intended to be submitted to you.

By the treaty of 19th January last with the Wyandots, residing at the Big Spring, the United States agreed to pay them a stipulated price for their land. A petition was subsequently presented to the department by some of the Wyandots of Upper Sandusky, claiming to have an interest in the proceeds of the ceded land. The subject was then referred to J. B. Gardiner and J. McElvain, esqrs., for their investigation and report. The claim of the petitioners was not established, the claimants deposing themselves, and two only of the Wyandots who signed the treaty. A petition was afterwards presented to the department, signed by all the Wyandots parties to the treaty, in which they declared the preceding agreement to be void, and praying that the avails of their land might be paid to them and to those whom they represented.

On referring to the treaty, it will be seen that it is obligatory upon the

United States to pay the avails to the chiefs, head-men, and warriors who signed it, for the benefit of all the said band of Wyandots, thereby excluding those of Upper Sandusky.

Therefore, the twenty thousand dollars, stipulated by the United States to be paid for the ceded land, will be remitted to Col. McElvain, to be paid to the chiefs, head-men, and warriors who signed the treaty, unless, on re-consideration, they should prefer the arrangement heretofore made with the Sandusky Wyandots, or some other of similar provisions.

Your interposition is therefore required to convene them, and to ascertain their final determination on this, to them, important subject. It is apprehended that if the money be paid, as now desired by the signers of the treaty, it will soon vanish without their advantage. Their own improvidence and the knavery of unprincipled men, will speedily transfer it into other hands, and leave them penniless, and without a home.

If they should make an arrangement with the Sandusky Wyandots, they would be immediately provided among their own kinsmen with a comfortable and permanent home, and both the parties would thereby become stronger, richer, and happier.

You will be pleased to inform the chiefs, head-men, and warriors who signed the treaty, that the money is in your hands, that they have the right to receive it, and that you are ready to pay it over to them if they desire it; but you will also inform them, that the Government is deeply interested in their welfare, and that its parental solicitude for their prosperity prompts them to recommend the proposed arrangement; that, unless acceded to, they fear that bad men will defraud them of their money, and that they will wander about without a home, suffering wrongs, and enduring wretchedness; that the arrangement is urged with no other view than to prevent their suffering, and to promote their happiness; and that their great father, the President, and their friend, Gov. Cass, recommend it as the better way to avoid imposition and suffering, and to ensure their independence and welfare; but that the matter rests entirely with them, and is submitted to their mature deliberation and final decision.

If, after such full consideration, the chiefs, head-men, and warriors, who signed the treaty, should eventually insist upon receiving the whole money, you will pay it over to them; but you will, as far as you can, cause it to be equitably divided by them among those entitled to receive it.

For the performance of this duty Col. McElvain will be allowed his travelling expenses; and his colleague will be allowed five dollars per day, while engaged in the service, and travelling expenses at the rate of five dollars for every twenty miles.

With great respect, &c., &c.,

ELBERT HERRING.

To Col. JOHN McELVAIN and Dr. THOMAS RIGDEN.

WAR DEPARTMENT,

Office Indian Affairs, October 23, 1832.

SIR: I have the honor to acknowledge your letter of the 13th instant to the Secretary of War, with its enclosure; and I am instructed to say, that having been heretofore deceived by the Wyandots in transactions with them, no council will be held with them on the 26th November next; that Mr. McCutchen has been desired to ascertain, if possible, their wish to sell; that

such wish on the part of the band does not yet appear; that those three, who, through you, have addressed the Secretary of War, may be willing to sell, and the majority of the band may oppose it, and thus no treaty would be made, and an unnecessary expense be incurred. Whenever it is certain that they are ready to dispose of their lands, on fair and reasonable terms, the Government will treat with them.

I have, by desire of the Secretary of War, enclosed, for your perusal, a letter to Col. McElvain and Dr. Rigden, requesting them, on behalf of the Big Spring Wyandots, to make some arrangement with the Sandusky Wyandots, by which \$20,000 due to the former by the Government, may be kept from rapacious hands, and preserved for their own lasting benefit.

If, at the time of the proposed convention, the Sandusky Wyandots should incline to sell, it might be well for them to mention terms to Messrs. McElvain and Rigden, and then it is probable the Government would appoint a commissioner to treat with them.

Have the kindness to communicate such portion of this letter, as you may deem expedient, to those Wyandots whose communication you forwarded.

With high respect, &c.,

ELBERT HERRING.

C. C. TROWBRIDGE, Esq., *Detroit.*

Be pleased to forward to Col. McElvain the letter intended for him, and the accompanying papers.

WAR DEPARTMENT,

Office Indian Affairs, October 25, 1832.

SIR: Information has been received at the department that intruders have recently gone over to the west bank of the Mississippi, in that district of country lately ceded to the United States by treaty, but which has not yet been ratified by the Senate; and that they are there engaged in mining, &c. Such intrusion is not only in itself inadmissible, but would probably lead to violence and outrage.

The commanding officer at Fort Crawford has, therefore, been ordered to furnish, on your requisition, such a military force as may be necessary, in conjunction with other troops, to be furnished from Fort Armstrong, on the requisition of the agent at Rock Island, to expel the intruders, and prevent their return.

You will, therefore, be pleased to give the requisite instructions to effect the contemplated object.

With high respect, &c.,

ELBERT HERRING.

Gen. JOSEPH M. STREET,
Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, October 25, 1832.

SIR: Your letter of the 15th instant, to the Secretary of War, enclosing one to yourself from Major Abbott, has been received.

I concur in opinion with you, that the Indians have suffered much maltreatment from white people intruding upon their land; and that the complaints of their sufferings, instead of being exaggerated, fall short of the truth.

The marshal of Alabama has, heretofore, been fully instructed and empowered to expel intruders, and prevent aggression; and he appears to have acted with promptitude and spirit. I am well aware of the difficulties of the duty entrusted to him, and that they require much discernment, conciliation, and firmness. In some cases, no doubt, the intruders, after their expulsion, have returned, and then committed the outrages complained of. The military force, hitherto employed for this purpose, was insufficient to prevent aggressions in such an extended country; and the marshal could not presume that the intruders would have the temerity to return, after they had been expelled from the country by law, and with force.

The marshal, and the commanding officer at Fort Mitchell, have both been written to on the subject, and such measures will be speedily taken as, I trust, will again expel the intruders, and protect the Indians from further oppression.

With high respect, &c.,
ELBERT HERRING.

Col. JOHN CROWELL,
Creek Agency.

WAR DEPARTMENT, *October 26, 1832.*

SIR: The frequent complaints which have recently been made to the department of intrusions upon the Creek lands, by the white people, in contravention of law and treaty stipulations, render it necessary again to call your attention to this subject. It is a matter in which the good faith and character of the Government are involved; and it is expected that its officers will exert the utmost vigilance to prevent all just complaints.

In renewing my former instructions to you, I have to inform you that orders have again been given to the commanding officer at Fort Mitchell, to afford the necessary military aid to carry into effect your instructions; and to the district attorney to prosecute all persons who may return to the Indian country after their removal. You will, therefore, call upon the commanding officer for such force as may be requisite for the speedy removal of all intruders, and upon the district attorney to carry into effect the instructions which he has received in regard to the prosecution of those who may return. It is the wish of the Government that the most energetic measures be taken immediately for the accomplishment of these ends.

Very respectfully, &c.,
LEWIS CASS.

ROBERT L. CRAWFORD, Esq.,
Marshal, &c.

WAR DEPARTMENT,

Office Indian Affairs, October 29, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, to the Secretary of War, and to thank you in his name for the information communicated.

The Secretary regrets, with yourself, the increasing difficulties and embarrassments that are gathering around and pressing upon the Creek Indians; and he feels entirely disposed to render all possible aid to relieve their suffering condition. The remedy is, however, very much in their own hands. They must remove speedily, in order to avoid further imposition and suffering. Every day they remain in their present position, adds to their injuries. The white people will be constantly crowding in upon them, and their property will pass into the hands of rapacious and unprincipled men, who will be utterly regardless of the consequent sufferings of the Indians.

As to your traders selling liquor without license, that is an offence against the laws of your State, in which the Government cannot interfere.

The marshal of the southern district of Alabama has been again instructed to take efficient means to expel intruders from the ceded country.

With high respect, &c.,

ELBERT HERRING.

Gen. ENOCH PARSONS,

Claiborne, Alabama.

WAR DEPARTMENT,

Office Indian Affairs, October 31, 1832.

SIR: In answer to the request contained in your note to the Secretary of War, of the 27th inst., I have the honor to transmit the original lists of Choctaw Indians, who have enrolled themselves for the purpose of obtaining reservations.

Copies cannot now be conveniently made in this office; but there will not probably be occasion to refer to these documents, until the commencement of the session of Congress. During the interval, and perhaps longer, they can remain in your office without inconvenience.

I have the honor to be, &c.,

D. KURTZ.

Hon. E. HAYWARD,

Commissioner General Land Office.

WAR DEPARTMENT,

Office Indian Affairs, Nov. 2, 1832.

SIR: Your account which was forwarded to the department, in your letter of the 16th ult., is herewith returned.

You will be allowed three dollars per day for your services, as stated in the four first items, and two dollars per day for those mentioned in the fifth item; amounting, altogether, to three hundred and fifty-eight dollars.

By an act of Congress of 31st May last, it is provided "that no compensation, beyond their actual expenses for extra services, shall be allowed any Indian agent or sub-agent, for services when doing duty under the order of their Government, detached from their agency, and boundary of the tribe to which they are agents."

By virtue of this act, you are entitled only to your actual expenses, while engaged in performing the services mentioned in the three last items of your account.

Transmit the vouchers for those expenses, or certify, on honor, their amount; add them to the before-mentioned sum of three hundred and thirty-eight dollars, and send on the account receipted. The papers will then be submitted to the Second Auditor for settlement, and the amount will be remitted to you.

With much respect, &c.,

ELBERT HERRING.

Col. JOHN McELVAIN,
Indian Agent, &c.

WAR DEPARTMENT,

Office Indian Affairs, Nov. 3, 1832.

SIR: Your letter of the 19th ult., mentioning the reason why the name of Amelia Trahern was not inserted in the list of Choctaw orphans, transmitted to the department, has been received.

The application for reservations of land by Tubbee and others, whose names are mentioned in your letter, cannot be granted. The treaty requires that each head of a family, being desirous to remain and be a citizen of the States, should be permitted to do so by signifying his intention to the agent within six months from the ratification of the treaty, and that he should, therefore, be entitled, &c.

This appears to have been omitted. They represent that they signified such intention. You say that the books of your office make no mention of the fact; nor have you expressed any opinion or belief of the truth of their assertion. No good reason is perceived for the interposition of the department in their behalf.

With much respect, &c.,

ELBERT HERRING.

Col. WILLIAM WARD,
Choctaw Agency, Mi.

WAR DEPARTMENT,

Office Indian Affairs, Nov. 3, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th ult., to the Secretary of War, enclosing your account of expenses in removing intruders from Indian land, amounting to \$476 67.

I am instructed to say that you will be allowed four dollars per day, as a compensation for the fifty-nine days you was engaged in the performance of that duty. Your papers have been transmitted for settlement, to the Second Auditor's office, from which you will soon be apprized of the result.

With high respect, &c.,

ELBERT HERRING.

ROBERT L. CRAWFORD, Esq.,
Mobile, Alabama.

WAR DEPARTMENT,

Office Indian Affairs, November 5, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th ult., to the Secretary of War, and am instructed to reply to your inquiries.

Free blacks, who have been admitted members of the Creek nation, and are recognized as such by the tribe, if they have families, are to be considered heads of families, and entitled to reserves of land under the 2d section of the Creek treaty.

Any member of the Creek nation, whether white or black, male or female, young or old, having a family, must be considered under the treaty as the head of a family, and entitled to a reservation of land.

It is not obligatory by the treaty to include slaves in the census to be taken; but as there will be but little trouble in taking their number, let it be done in a separate column.

With high respect, &c.,

ELBERT HERRING.

Major BENJAMIN S. PARSONS,

Tuckebeechee, Creek nation, Alabama.

WAR DEPARTMENT,

Office Indian Affairs, November 5, 1832.

SIR: Your letter of the 21st ult., to the Secretary of War, has been received, and I have the honor to answer your inquiries.

Children, not capable of managing their own affairs, and being under the care of a slave, cannot be entitled to a reservation of land under the Creek treaty. In the case stated by you, the children are orphans, and are, therefore, entitled under the 2d article of the treaty, to a participation in the twenty sections to be selected for the benefit of the orphan children of the Creeks.

The late treaty has no manner of reference to that concluded at Fort Jackson, and is to receive a construction entirely independent of it; your practice in that particular has been correct.

With high respect, &c.,

ELBERT HERRING.

Major BENJAMIN S. PARSONS,

Creek nation, Alabama.

WAR DEPARTMENT,

Office Indian Affairs, November 5, 1832.

SIR: Your letter of the 12th ultimo, to the President of the United States, has been referred to this office, and I am instructed to reply to it.

So far as may be consistent with the late treaty, liberality will be extended to the Creek Indians, in the selection of the reservations of land to which they are entitled; and particularly with respect to the twenty sections, to be selected for the benefit of the orphan children of the Creeks.

To prevent the practice of imposition and fraud on the Indians, in the conveyance of their lands, the precaution has been taken of appointing a person to certify the fairness of the transaction, and that the conveyance was executed for adequate consideration. The President will not approve the contract in any case, unless its fairness be fully established.

Your exertions to prevent the introduction of ardent spirits among the Creeks have been employed for a laudable purpose; and will, no doubt, tend to arrest an evil deplored by all who desire their welfare.

Major Parsons and Major Abbott need no better recommendation than already given, for their employment in either capacity alluded to in your letter.

With great respect, &c.,

ELBERT HERRING.

Gen. ENOCH PARSONS, *Claiborne, Ala.*

WAR DEPARTMENT,

Office Indian Affairs, November 7, 1832.

GENTLEMEN: The Secretary of War has directed me, in the absence of Judge Herring, to reply to your letter of the 22d ultimo.

He is still of opinion that the sum of ten thousand dollars, already remitted to you, will be sufficient for all your probable expenses at present; and, he therefore declines to comply with your request, that the whole amount of the appropriation may be placed subject to your drafts.

To prevent any inconvenience resulting to you from this decision, he has instructed me to say, that you will please to forward accounts of all your expenditures, up to the date of the receipt of this letter; when your drafts for the excess of your expenditure over the amount remitted will be paid. The account must be accompanied with sufficient vouchers, and regularly certified.

I have the honor to be, &c.,

D. KURTZ.

Messrs. JONATHAN JENNINGS, }
JOHN W. DAVIS, and } *Commissioners, &c.*
MARKS CRUME, }

WAR DEPARTMENT, *November 7, 1832.*

SIR: I have received your letter of the 26th ultimo, together with the treaty concluded by you with the Chickasaw Indians.

I have no doubt but that you have made the best arrangement in your power, and exerted yourself to accomplish the objects of your mission. The treaty will be submitted for the consideration of the Senate.

The draft you mention will be paid on presentation.

Very respectfully, &c.,

LEWIS CASS.

Gen. JOHN COFFEE, *Florence, Alabama.*

WAR DEPARTMENT,

Office Indian Affairs, Nov. 7, 1832.

SIR: The account of Messrs. McCutchen and Scott is enclosed, and a requisition will issue in your favor for the amount, \$68 66, which you will please to pay to them when received, taking the usual receipts, and include it in your next quarterly returns.

You will pay the interpreter yourself the amount due to him, \$24.

I am, very respectfully, &c.,

D. KURTZ.

Col. JOHN McELVAIN, *Upper Sandusky.*

WAR DEPARTMENT,

Office Indian Affairs, Nov. 7, 1832.

SIR: Your letter to the Secretary of War of August 17, was transmitted to the department on the 10th ultimo, by Governor Porter, and I have been instructed to reply to it.

From a report made by the Commissary General, it is presumed the commissariat at Fort Winnebago can supply the provisions required for the Winnebagoes. You are therefore authorized to issue rations for their relief, in the circumstances you describe, to an amount not exceeding one hundred barrels of pork, and one hundred and fifty barrels of flour, for which you will draw requisitions upon the assistant commissary.

If it should be possible to afford these Indians relief, with a less amount of provisions, the department relies upon you to keep the issues of rations as far within his limit as practicable.

Very respectfully, &c.,

D. KURTZ.

JOHN H. KINZIE, Esq.

WAR DEPARTMENT,

Office Indian Affairs, November 8, 1832.

SIR: In answer to your letter of the 20th ultimo, I beg leave to observe, that when the reservations of the Choctaws were sold, the duty of the Government, and its interest in the matter ceased.

Purchasers must take the same course to establish their title, that they would if they had bought from a citizen of the States. The department has no right to give any direction.

Very respectfully, &c.,

D. KURTZ.

JOHN C. WHITSITT, Esq.,
Choctaw Agency, Mi.

WAR DEPARTMENT,

Office Indian Affairs, Nov. 8, 1832.

SIR: Your letter of the 22d ultimo has been received.

The department is gratified to learn that you have received of * * * such explanations as enable you to restore him to your confidence, and reinstate him in that of the Government.

You will please to say to him, that his letter containing these explanations, has been read with pleasure, and has removed the unpleasant impressions created by the charges previously presented.

I am, sir, &c.,

D. KURTZ.

TO BENJAMIN F. CURREY, Esq.,
Harnageville.

WAR DEPARTMENT,

Office Indian Affairs, Nov. 8, 1832.

SIR: Your letter of the 2d instant, has been referred to this office with instructions to me to reply to it.

The department is always willing to accede to any reasonable request of the Wyandots; but it has not been thought necessary, in the present reduced number of the Indians in Ohio, to comply with the provisions of the 7th article of the treaty, which is merely recommendatory.

If, however, you are aware of any circumstances which require the appointment of a sub-agent, you will please to communicate them to this department; and at the same time request Colonel McElvain to transmit his opinion upon the subject, when the matter shall be promptly considered.

For the expenses you have incurred for your services, and those of an interpreter, provision will be made upon receiving from you a statement, showing in detail, the nature of the services, and the reasons for the expenditure, in such form as will authorize the payment.

I am, very respectfully, &c.,

D. KURTZ.

JOSEPH McCUTCHEEN, Esq.,
McCutchenville, Ohio.

WAR DEPARTMENT,

Office Indian Affairs, Nov. 8, 1832.

SIR: Four chiefs of the Wyandots, Hicks, Warpole, Summindowot, and H. Jacquis, have requested that the sum appropriated the last session, to defray the expenses of the delegation in this city, may be paid.

A requisition will issue in your favor for four hundred dollars, which you will pay to the persons authorized to receive it, and transmit the receipts with your accounts.

You will please to say to the chiefs, that their letter was duly received, and notify them of the time when you will be ready to make the payment.

I am, respectfully, &c.

D. KURTZ.

Col. JOHN McELVAIN,
Upper Sandusky, Ohio.

WAR DEPARTMENT,

Office Indian Affairs, November 12, 1832.

SIR: For the amount of Jenny Smith's certificate, which is not marked paid on the original of the list sent to you, November 29, 1830, and for the amount of the certificate presented by the widow of John Baggs, both of which are mentioned in your letter of September 30th, you are authorized to draw upon this department.

You will please to report the facts in the case of John Duval, of which you furnished a statement to Duval and Carnes.

I am, respectfully, &c.,

D. KURTZ.

Captain GEO. VASHON, *Fort Gibson.*

WAR DEPARTMENT,

Office Indian Affairs, November 12, 1832.

SIR: In the absence of Judge Herring, I have been instructed to reply to your letter of the 1st instant.

On the 22d ultimo, the commissioners requested that the balance of the appropriation, for negotiating the treaties with the tribes in Indiana, &c., might be placed subject to their drafts.

They were answered on the 7th inst., that the department was still of opinion that the amount already remitted, ten thousand dollars, would be ample for all immediate exigencies, and could not, therefore, comply with their request.

The draft enclosed by you, is returned, therefore, as it cannot be paid under this decision of the Secretary of War.

I am, very respectfully, &c.,

D. KURTZ.

J. F. CANBY, Esq., *Crawfordsville.*

WAR DEPARTMENT,

Office Indian Affairs, November 12, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th ult., and have been instructed to express the gratification of the department with the diligence and zeal with which you have entered upon your duties.

Instructions, which it is presumed must have miscarried, were issued to Col. Arbuckle in July. They will be transmitted forthwith. Mean time his compliance with your requisitions is approved.

The Rev. John F. Sehermerhorn, of Utica, New York, was appointed on the 22d ult., to fill the vacancy in your board, occasioned by the resignation of Governor Carroll, and instructed to proceed to Fort Gibson without delay.

The secretary, Col. Stambaugh, left Lancaster about the 15th ult. for that post.

I have the honor to be, &c.,

D. KURTZ.

HENRY L. ELLSWORTH, Esq.,

Fort Gibson, Arkansas.

WAR DEPARTMENT,

Office Indian Affairs, November 17, 1832.

SIR: In answer to your letter of the 9th inst., I beg leave to state, that Governor Porter was authorized to proceed to Green Bay, to obtain the consent of the New York Indians and the Menomonies, to the amendment made by the Senate to the treaty which was ratified the last winter.

No report has yet been received from him. You could, no doubt, obtain accurate information, by addressing a letter to him at Detroit, at which place he was expected to arrive on the 20th instant.

I am, respectfully, &c.,

D. KURTZ.

TIMOTHY JENKINS, Esq.,

Oneida, Oneida county, New York.

WAR DEPARTMENT,
Office Indian Affairs, Nov. 20, 1832.

SIR: Yours of the 20th ultimo, enclosing accounts, &c., has been received. The report of Mr. Donelson and yourself was received some days since.

I am, respectfully, &c.,

D. KURTZ.

Rev. ISAAC MCCOY, *Fort Gibson.*

WAR DEPARTMENT, November 21, 1832.

SIR: I have received your letter of 20th ultimo. The President is anxious for the removal of your people, but so much unavailing expense has already been incurred in that branch of our Indian relations, that he is unwilling further to increase it without a reasonable prospect of success.

As you think many of the Creeks will be prepared to remove after their land is surveyed, and they have received their reservations, the department will postpone any action upon the subject till then; and if at that time they are ready to go, arrangements will be made for their immediate removal. Any information you can communicate, from time to time, upon this subject, shall receive attention.

Very respectfully, &c.,

LEWIS CASS.

Mr. B. MARSHALL,
Creek nation, Columbus, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, Nov. 21, 1832.

SIR: I am instructed to say, in reply to your letter of the 13th instant, that, if a treaty cannot be otherwise effected, the department will not object to receive a deputation of the Wyandots here, not exceeding ten in number.

The tribe must be made to understand distinctly, however, that if they come they must pay their own expenses. If a treaty should be concluded, then, but then only, will the Government pay the expenses of this visit.

If the Indians should ask you to accompany them, and you should be unable to comply with their request, you are authorized to engage some competent person to come with them.

I am, respectfully, &c.,

D. KURTZ.

Col. JOHN McELVAIN,

WAR DEPARTMENT,
Office Indian Affairs, Nov. 21, 1832.

SIR: An answer to your letter of the 23d ultimo, has been necessarily delayed in consequence of the absence of the Secretary of War.

I am now instructed to say, in reply, that he concurs in your construction of the treaty, and in your opinion as to the course proper to be pursued by the Choctaws.

The Government never intended that the existing form of administration

among the Choctaws should be set aside until their removal was effected, a new system devised and adopted, and the sanction of the department obtained for it. You will state this distinctly to the nation, and say to them further, that the Government will continue to hold their present chiefs responsible until all the above steps have been taken, and expects that their authority shall be recognized and submitted to among themselves; and you are authorized to take such measures as may be required to preserve peace and order in the tribe.

In answer to your letter of the 23d, marked "unofficial," the Secretary has directed me to say, that he commits the subject therein mentioned to your discretion. If, upon further observation and inquiry, you shall think it best, you are authorized to notify Mr. McClelland that his appointment is withdrawn, and to appoint Mr. A. L. Langham, to whom a commission will be sent upon receiving advice from you that these changes have been made.

I am, respectfully, &c.,

D. KURTZ.

Maj. FRANCIS W. ARMSTRONG,
Memphis, Tennessee.

WAR DEPARTMENT, Nov. 22, 1832.

SIR: I have received your letter of the 7th instant, and thank you for the information contained in it respecting the condition of the Creeks. Your views are honorable and humane; and I coincide with you fully in your sentiments upon their prospects. I cannot but hope that they will see the necessity of terminating all their difficulties by a prompt removal to the country west of the Mississippi. Till, however, they do this, nothing will be omitted by this department to carry faithfully into effect the treaties concluded with them.

Very respectfully, &c.,

LEWIS CASS.

Gen. ENOCH PARSONS,
Sparta, Alabama.

WAR DEPARTMENT,

Office Indian Affairs, November 22, 1832.

SIR: A letter of the Creek chiefs has been transmitted to this department, complaining of the instructions which they say you tell them have been given to Mr. Abbott and yourself for taking the census.

The Secretary of War has directed me to inform you of the subjects of complaint, and communicate to you his views in relation to them.

1st. The chiefs allege that you will allow reservations only to married persons.

In the letter from the department of May 4th, you were directed to consider as heads of families, every unmarried man, and every unmarried woman, who actually keeps a separate establishment, and has inmates over whom such person exercises control.

You, of course, must decide what is a separate establishment. The department is of opinion, that a person in possession of a house and cultivated fields, comes within the description, and is entitled to a reservation.

The Creeks further complain of the instructions given, in relation to emigrants in 1826 and 1827, who have since returned to the Indians, who took reservations under the treaty of Fort Jackson. Upon these points, the letter from this office of the 10th ultimo, is considered to have been perfectly correct, and no reason is perceived for a deviation.

They also object to the allowing a white man, who has married an Indian woman, a reservation, instead of assigning it to his wife, because the white man may sell the land, and then desert his family.

The department does not think it probable that a white man, who has been admitted a member of the Creek nation, according to their laws and customs, and has been long resident with them, and is eligible to office, would be so regardless of their social duties. Nor does it consider itself authorized to make a distinction between such persons and a native, when the Creeks have themselves incorporated him among their number.

The Secretary hopes that this letter will be conclusive, and prevent the multiplication and repetition of inquiries, which have been already so numerous and minute as to render the supervision of the execution of this treaty exceedingly difficult and troublesome.

I am, sir, &c.,

JOHN ROBB,

Chief Clerk War Department.

Major B. S. PARSONS,
Creek Agency.

WAR DEPARTMENT,

Office Indian Affairs, November 22, 1832.

SIR: The letter of the Creek chiefs, forwarded by you on the 13th instant, has been submitted to the Secretary of War, who has instructed me to say to you, in reply, that no directions have been given to the persons employed in taking the census inconsistent with the understanding of the parties to the treaty. It is possible, if the several points embraced in that letter are correctly stated, that there may have been a misapprehension with regard to some of them, and a letter has been written to Messrs. Parsons and Abbott to remove it.

The Secretary trusts that the Creeks will confide so far in the good disposition towards them of the Government, as to believe that nothing improper will be intentionally done, and that their chiefs will abstain from pressing complaints and inquiries upon the department, unless the grievances be of an aggravated character, and sure to produce injurious consequences.

The execution of the various provisions of the treaty has been attended with increased difficulty, in consequence of the number and minuteness of the questions which have been uselessly started.

A willingness to confide in each other, would put an end to this difficulty, and render the fulfilment of the stipulations more easy and advantageous to all parties.

You will please to communicate the substance of this letter to the Creek chiefs.

I am, &c.,

JOHN ROBB, *Chief Clerk.*

Colonel JOHN CROWELL.

WAR DEPARTMENT, *November 23, 1832.*

GENTLEMEN: I have the honor to acknowledge the receipt of your communication of the 31st ultimo, informing the department that treaties of cession had been concluded with the Shawnees and Delawares, the Peorias and Kaskaskias, the Piankeshaws and Weas.

It gives me pleasure to say, that these negotiations appear to have been conducted very judiciously, and that the results are highly satisfactory to the Government.

I have the honor to be, &c.,
LEWIS CASS.

MESSRS. WILLIAM CLARK,
NATHAN KOUNS, and } *Commissioners, &c.*
FRANK J. ALLEN,

WAR DEPARTMENT,

Office Indian Affairs, November 24, 1832.

GENTLEMEN: I have the honor to communicate, herewith, a copy of a report received by the department from Messrs. Isaac McCoy and John Donelson, jun., appointed to survey the Indian country west of the Mississippi.

The various subjects embraced in the report, are submitted to your decision, and will assuredly receive that full deliberation which their importance demands.

I am, however, instructed to say, that the permanent location of the Osages, on land adjoining the Kansas, is, for the reasons assigned by the surveyors, a measure deeply affecting their welfare. To induce their removal, they will be paid for their improvements, and assistance will also be furnished them in the various modes designated by the surveyors; but to what extent such aid will be given, is left to your discretion. The expense of removing them (which, however, will be trifling,) will be borne by the Government; but, as the land to which it is contemplated to remove them, is equivalent to that on which they now reside, no increase of annuity will be allowed them in this case.

It is highly desirable that the Osage title to the eight reservations on the east bank of Neosho, and within the country ceded to the Cherokees by the treaty of May, 1828, should be extinguished. The Osage title is the valid one; but these reservations were included in the land ceded to the Cherokees by the before mentioned treaty.

You will, therefore, make such an arrangement touching these reservations, as may best comport with the interest of the Government, and the rights of the Osages.

If, in the disposition of these subjects, or of others contained in the report, different arrangements should be contemplated by you than those recommended, you will be pleased to communicate your views to the department.

I have the honor to be, &c.,
D. KURTZ.

MESSRS. MONTFORT STOKES,
H. L. ELLSWORTH, } *Commissioners, &c.*
J. F. SCHERMERHORN,

WAR DEPARTMENT,
Office Indian Affairs, November 24, 1832.

BROTHERS: Your letter of the 15th instant, has been received, and the department is gratified to find that you are satisfied with its acts and intentions, and mean, yourselves, to preserve peace and order.

The marshal has been instructed to remove the persons you name, and all others who may enter upon your lands in the same manner, and for the same purposes.

No white person can become entitled to a reservation by marrying an Indian woman since the conclusion of the treaty. The instructions to the commissioners direct them not to allow any such claims.

I am, respectfully, &c.,

ELBERT HERRING.

NEAH MICCO, and other CHIEFS OF THE CREEK NATION.

WAR DEPARTMENT,
Office Indian Affairs, November 24, 1832.

SIR: Neah Micco and other Creek chiefs have requested the Government to remove certain white persons who have entered their nation and married Indian women, since the conclusion of the treaty, and taken possession of Indian lands.

The department wishes that you would immediately expel all such persons, and particularly the following individuals, whom the chiefs mentioned as especially obnoxious to their nation, viz.: John Sims, Peter Gibson, Little Sims, and John Grace. You will keep the department advised of your proceedings, in all of which you will be careful to avoid every thing which may unnecessarily excite irritable feelings.

I am, &c.,

ELBERT HERRING.

JEREMIAH ANSTILL, Esq.,
Deputy Marshal, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, November 24, 1832.

SIR: Your draft in favor of Mr. Hinman, payable 19th January, 1833, for \$200, was presented this day, and acceptance declined. By a rule of the department, advances cannot be made to any person in the employment of the Government, unless he be a disbursing officer. The holder has been informed, however, that the draft will be paid at maturity, if the survey required shall have been performed.

Very respectfully, &c.,

D. KURTZ.

JOHN F. SCHERMERHORN, Esq.

WAR DEPARTMENT,
Office Indian Affairs, November 26, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, to the Secretary of War, relative to Indian reserves under the late Creek treaty.

Full instructions have been communicated to the commissioners, and such a practice will be adopted as will be most likely to ensure an equitable distribution of reserves among the parties interested.

On the coming in of the commissioners' report, special care will be taken by the department to correct error, to prevent imposition, and promote justice.

With great respect, &c.,

ELBERT HERRING.

J. B. EASON, Esq.,

Taladega Battle Ground, Alabama.

WAR DEPARTMENT,

Office Indian Affairs, November 26, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, to the Secretary of War, relative to intrusion upon Indian lands, and impositions and cruelties practised upon the Indians.

The department is anxious, so far as is consistent with its authority, to protect the Indians from encroachment and injury. Instructions have been accordingly given to Major General Macomb, and he has issued the necessary orders for two additional companies of United States' troops, to proceed immediately to the Indian country, for the purpose of expelling and keeping off intruders.

The commanding officer will act under the instructions that the marshal may see fit to give on the occasion. The views of the Government, in relation to this business, have been, heretofore, explicitly and fully explained to the marshal in communications from this department.

With great respect,

ELBERT HERRING.

JEREMIAH ANSTILL, Esq.,

Deputy Marshal, Alabama.

WAR DEPARTMENT, *November 29, 1832.*

SIR: It has been suggested to the President that the New York Indians would be willing, upon reasonable terms, to remove to the country west of Green Bay, which has been granted to their people by the Indians of that region.

Believing that such a measure is called for, as well by the interests of that part of the State of New York, where they are now situated, as by the permanent welfare of the Indians themselves, the President is desirous of ascertaining whether they are prepared to remove, and if so, upon what terms.

You are requested to communicate with them upon this subject, to procure their views, and to learn from them the terms upon which they would be disposed to emigrate. As the right of reversion in their lands is not vested in the United States, but in individuals holding under the State of New York, the Government has no pecuniary interest in the accomplishment of this measure. Its only object is to improve the condition of the Indians, and to place them where they cannot be injured by the contact of our settlements; of course, they must expect no stipulations providing compensation for the exchange of country. All they can look for from the United States,

will be the expense of removal, and an arrangement for their temporary subsistence, in the country where they may settle.

You will state to them the views and wishes of the Government, in such way, and at such times, as you may think best; and the result you will communicate to the department, as speedily as you may find convenient.

You will be allowed a reasonable compensation for this service, to be determined when your report is received.

Very respectfully, &c.,

LEWIS CASS.

JAMES STRYKER, Esq.,
Buffalo, N. Y.

WAR DEPARTMENT,

Office Indian Affairs, November 29, 1832.

SIR: Your letter of the 13th instant, to the Secretary of War, enclosing one of J. Walker, jr., to yourself, has been received.

The proposal of Mr. Walker has been favorably received by the Secretary of War, and he is of opinion that the present state of the negotiation with the Cherokees prompts a compliance with the request, as likely to produce propitious results.

I am, therefore, instructed to inform you that Mr. Walker and two other influential friendly Cherokees, may come on with the delegation, or follow them to Washington, and that the Government will bear their actual expenses in coming, staying here, and returning home, being desirous of their co-operation in effecting a treaty, which would unquestionably subserve the best interests of the Cherokee nation.

Be pleased to communicate this to Mr. Walker without loss of time.

With high respect, &c.,

ELBERT HERRING.

Col. HUGH MONTGOMERY,
Cherokee Agency, Calhoun, Tenn.

WAR DEPARTMENT, *Nov. 29, 1832.*

SIR: Judge Stryker may call upon you to aid him in the execution of a duty, confided to him by the department, in relation to the New York Indians. Should he do so, you are desired to afford him any assistance in your power, for which a reasonable compensation will be allowed.

Very respectfully, &c.,

LEWIS CASS.

JUSTUS INGERSOLL, Esq.

WAR DEPARTMENT,

Office Indian Affairs, November 29, 1832.

SIR: Your letter of the 18th ultimo, to the Secretary of War, relative to Indian reservations, and your surmises on the subject, has been received.

Ample and explicit instructions have been given, by the department, to the commissioners and the marshal for the southern district of Alabama, in relation to that business.

The Government will carry the treaty into effect; and, in so doing, will study strict impartiality—endeavoring to preserve the Indians from oppression and imposition, and to protect its own citizens in the enjoyment of their rights.

The Government is well aware of the excited state of feeling prevailing in that country, and of the clashing interests existing there; and will endeavor to allay the one, and do justice to the other.

With great respect, &c.,

ELBERT HERRING.

LEWIS WATKINS, Esq.,

Ashville, St. Clair county, Alabama.

WAR DEPARTMENT,

Office Indian Affairs, Nov. 29, 1832.

SIR: In answer to your letter of the 17th instant, I beg leave to observe, that the land upon which you have settled, having been purchased prior to the ratification of the late treaty, and the contract not having been submitted to the President for his sanction, will, of course, be considered as Indian land, by the agent appointed to locate reservations under that treaty. And should it be included in any reservation by him located, it will be necessary for you to remove and leave it to the undisturbed possession of the Creek to whom such reservation may be assigned.

The Government and its agents, however, in executing the provisions of this treaty, will, in this and all other cases, be disposed to avoid, as far as practicable, occasioning inconvenience to persons in peaceable possession of any part of the Indian lands.

Very respectfully, &c.,

ELBERT HERRING.

R. G. HADEN, Esq.

WAR DEPARTMENT,

Office Indian Affairs, Nov. 29, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, enclosing one to yourself from sub-agent D. M. Sheffield, esq., in relation to his disposition of a portion of the annuity due to the towns of the Appalachicola Indians.

The course adopted by him on that occasion was perfectly correct, and meets the approbation of the department.

It is to be regretted, however, that an unfounded apprehension should have prevented the receipt of their stipend, and subjected them to inconvenience by its non-acceptance.

You will be pleased to have it signified to them, that it is ready for them whenever they see fit to accept it. And in the event of their willingness to receive it, let it be conveyed to them without their cost, and with as little expense to the Government as possible.

Soon as your health may permit, which I regret to hear has been impaired, be pleased to forward your promised explanations touching your accounts.

I have the honor to be, &c.,

ELBERT HERRING.

To his Excellency, WILLIAM P. DUVAL,

Tallahassee, Florida.

WAR DEPARTMENT,

Office Indian Affairs, Dec. 4, 1832.

SIR: Your letter of the 5th ultimo, to the Secretary of War, has been received, and referred to this office.

I am instructed by the Secretary to say, in reply, that the department would prefer having the benefit of your professional services in any suits which have been, or may be, brought against the Indians, in the courts of Alabama; but if these cannot be had without injury to your other business, he requests the favor of you to select some competent member of the bar to perform the service, who will be allowed such compensation as the nature and extent of the duties performed will justify.

If you can attend to the business yourself, as is very much to be desired, your compensation will be made equivalent to any services you may render.

I am, respectfully, &c.,

ELBERT HERRING.

JOHN ELLIOTT, Esq., *District Attorney,*
Mobile, Alabama.

WAR DEPARTMENT,

Office Indian Affairs, Dec. 5, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th ultimo, to the Secretary of War.

The annuity of \$1,000 was, as you thought, intended for the Senecas, under the treaties of 29th September, 1817, and 17th September, 1818; and has been properly paid by you to the agent of the Senecas from Lower Sandusky.

I have the honor to be, &c.,

ELBERT HERRING.

General WILLIAM CLARK,
Superintendent Indian Affairs, &c.

WAR DEPARTMENT,

Office Indian Affairs, Dec. 7, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th ultimo, to the Secretary of War, giving certain information of Mr. J. McCutchen, and his proceedings with the Sandusky Wyandots; and their present feelings with respect to their removal, and the relinquishment of their lands to the United States.

Mr. J. McCutchen was appointed appraiser of improvements, pursuant to the 3d article of the treaty with the Wyandots, at the Big Spring. On his own suggestion, he was employed to sound the Wyandots of Upper Sandusky as to their willingness to remove, and the terms upon which they would relinquish their land; but he was expressly informed, that such service must be entirely gratuitous. It is the policy of the Government to effect the removal of the Indians, from a belief that it would promote their welfare, and subserve the interest of our own citizens. This policy being founded on a conviction of such mutual benefit, the department will be thankful for the co-operation of any individual in effecting that object. If you, sir, by any service you can render, or any information you can impart,

of the actual condition, views, and wishes of the Wyandots on this subject, can contribute to such a desirable event, it would be esteemed a favor; and in promoting that object, you could not but consider yourself acting as their friend and benefactor.

With great respect, &c.,

ELBERT HERRING.

Mr. WILLIAM WALKER,
Upper Sandusky, Ohio.

WAR DEPARTMENT, *Dec. 8, 1832.*

GENTLEMEN: In answer to your letter of the 6th instant, I have the honor to inform you, that in the execution of the stipulations of the Creek treaty, it is certainly the wish of the Government to avoid all unnecessary severity towards our citizens who are located upon any part of the ceded territory. It is the duty of the Executive to preserve the public faith, and to fulfil, on the part of the United States, those compacts under which the Indians cede to us very important and valuable rights. It is to be hoped, that every just citizen will feel and acknowledge the obligations of the Government upon this subject, and will interpose no unnecessary difficulty in the execution of this duty. Taking into view the facts, that the season for agricultural labor will not arrive for some time, that the surveys are nearly completed, and that as soon as they are received, the locations of the individual reservations will be made, and the tract selected for each will be assigned and delivered to him, I do not see that any injury would result to the Indians by permitting those persons, who obtained peaceable possession of the land on which they live, and do not retain it to the exclusion of any Indian justly entitled to it, to occupy these tracts till the several locations are made.

If, however, any of them are selected for the Indians, it will be expected that the occupants relinquish possession within thirty days after such selection is made.

This arrangement seems to me to be an equitable one, and I trust will be satisfactory to all persons interested in the subject.

I hope, further, that after the locations are made, quiet possession will be relinquished to the Indians, so that the Government will not be compelled to resort, for that purpose, to measures which I am anxious to avoid.

Instructions will be given in conformity with these views.

Very respectfully, &c.,

LEWIS CASS.

To the Hon. W. R. KING, }
C. C. CLAY, } *Members of Congress.*
S. W. MARDIS, }

WAR DEPARTMENT, *December 8, 1832.*

SIR: In answer to the inquiry contained in your letter of the 29th ultimo, I have the honor to inform you, that there is no wish on the part of the Government to injure or oppress any citizen living upon the lands ceded, during the present year, by the Creek Indians.

These people have, however, conveyed to the United States valuable rights, and we cannot, and ought not, to refuse or withhold from them the justice to which they are entitled.

Our solemn stipulations, no one will doubt, should be enforced; but in doing this, it is proper that as little injury as possible should be inflicted upon our citizens.

Under all the circumstances of the case, I do not see but that those white persons residing upon the ceded territory, may be permitted to remain there without giving the Indians any just cause of complaint until the locations are made, with the exception of those who have forcibly evicted the Indians, or who forcibly withhold any tracts from the rightful possessor. These must and ought to be removed. But in other cases, as the Indians can pursue no agricultural operations at present, as the surveying is nearly completed, and as the reservations will be soon selected and assigned to individuals, no measures will be taken to remove the peaceable occupants.

But as soon as the locations are made, all persons living upon any of them will be expected to yield quiet possession, delaying it under no circumstances beyond thirty days.

This arrangement is the most equitable that can be made, taking into view the situation of the Indians and of our citizens, and instructions will be issued to give it effect.

Very respectfully, &c.
LEWIS CASS.

To the Hon. GABRIEL MOORE,
United States' Senate.

WAR DEPARTMENT, *December 8, 1832.*

GENTLEMEN: I have received your letter of the 16th ultimo, and, in answer, have to inform you there is not the slightest wish, on the part of the Government, unnecessarily to injure or oppress any citizen residing in that part of Alabama recently ceded by the Creek Indians. There are obligations of good faith, however, imposed upon the Government by the treaty of cession, which I am sure no good citizen would wish to see violated. The Indians have yielded valuable rights to the United States, and in return we have entered into solemn engagements to be performed for their benefit. These cannot, and ought not, to be neglected. Still, in their execution, it is equally the duty and the wish of Government to avoid, as I have stated, all unnecessary injury to our citizens.

It will be some months before the Indians will need their land for agricultural purposes; and the surveying is so nearly completed, that we may expect the location of the individual reservations will be made in a short time. Under these circumstances, and taking into view the facts stated by you, I do not see that it would be any injury to the Indians to suffer you to remain until it is determined whether the land upon which you live will become the property of any individual among the Creeks; and the necessary instructions for this purpose will be given. It must be distinctly understood, however, that you have not obtained possession by forcibly evicting any Indian, and that you do not forcibly retain it, to the injury of any Indian justly entitled to it. And suffer me also to add, it will be expected that if the land is located by any individual Indian, you will move from it, and yield quiet possession without delay, postponing your removal in no event beyond thirty days from the period of location.

I trust you will see, in this arrangement, evidence of the disposition of

the Government, while it does justice to the Indians, to consult, as far as possible, the feelings and interest of our citizens.

Very respectfully, &c.,

LEWIS CASS.

S. WILLIAMS, Esq., and OTHERS,

Irwinton, Pike county, near Louisville, Alabama.

WAR DEPARTMENT, *December 10, 1832.*

SIR: The principles laid down in the enclosed letter will be your guide in the discharge of the duties assigned to you, under the Creek treaty; and you will also consider it a part of your instructions.

Very respectfully, &c.,

LEWIS CASS.

To ROBERT L. CRAWFORD, Esq.

WAR DEPARTMENT, *December 10, 1832.*

SIR: In answer to your letter of the 27th ultimo, I have to state, that no reservations will be located until after the surveys are made; and the principles upon which the President will sanction the sale of such reservations, will then be prescribed and made known.

Very respectfully, &c.,

LEWIS CASS.

G. W. DILLARD, Esq.,

Columbus, Georgia.

WAR DEPARTMENT,

Office Indian Affairs, December 11, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, to the Secretary of War, respecting a claim to land by William Ott, one of the Choctaw tribe of Indians.

William Ott's name is registered as entitled to three hundred and twenty acres of land, according to the provisions of the treaty of 28th September, 1830, with that tribe, and is on file in this office.

I have the honor to be, &c.,

ELBERT HERRING.

Hon. F. E. PLUMMER.

WAR DEPARTMENT,

Office Indian Affairs, December 12, 1832.

SIR: In reply to your letter of the 23d ultimo, I beg leave to observe, that, when they forwarded the valuation roll, in which the improvement set off to Thomas Pettit, jr., was included, the assessors, Messrs. Montgomery and Scudder, informed the department that there was an opposing claim put in by Rev. John Thompson. Affidavits of conflicting tenor were transmitted at the same time. Upon the oath of the father of Pettit, that his son

never had any right to the premises at Hightower; and upon a statement from the missionary society, in Boston, of like import, the department decided that Pettit was not entitled to pay for the improvements which had been valued in his name.

I regret that you have sustained any pecuniary loss in consequence of this transaction; but the right of the society to the premises in question has been so clearly established, that the department can see no reason for reversing the decision.

I am, respectfully, &c.,

ELBERT HERRING.

Col. A. R. TURK, *Calhoun, Tenn.*

WAR DEPARTMENT,

Office Indian Affairs, December 13, 1832.

SIR: Your letter of the 30th ultimo has been received, acknowledging the receipt of a Treasury warrant, in your favor, for one thousand and seven dollars.

The saving of expense to the Government, by the commutation allowance in the removal of the one hundred remaining Cherokees, who have enrolled themselves to go west, need not be attempted, if it shall subject them to injury and suffering. Your experience in removing them will enable you to decide this matter correctly.

In the event of Lieut. Dancy's leaving that part of the country, another person will be substituted for the performance of those duties at present discharged by him.

The reports of the valued improvements relinquished by the enrolled Cherokees, and alluded to in your communication, have been received from the appraisers, Montgomery and Scudder.

In consequence of information to the department, that Ross and others would, as a delegation from the Cherokees, visit Washington, and that it would be expedient that Walker, and two other friendly and influential Cherokees, should come on with that delegation, or follow them to this place, Colonel Montgomery was instructed by letter from the department, of the 29th ultimo, to inform Walker that his expenses and those of his two colleagues, in coming, staying here, and returning home, would be borne by the Government, as it was believed that their co-operation would much conduce towards effecting a treaty that could not but subserve the best interests of the Cherokee nation. That instruction has, in effect, anticipated your request. But if your commitment on this subject has extended beyond the arrangement with Walker and his two associates, the department would sanction it in the employment of one or two additional individuals.

With great respect, &c.,

ELBERT HERRING.

To BENJAMIN F. CURREY, Esq.

WAR DEPARTMENT,

Office Indian Affairs, December 14, 1832.

SIR: On behalf of the Secretary of War, I have the honor to acknowledge the receipt of your letter to him of the 7th ultimo, and to thank you for the information therein communicated.

On the several topics it contains, nothing need be added to the observations and instructions heretofore conveyed to you by communications from the department.

The assurance seems to be superfluous, that the Government will, in all its measures and proceedings, observe strict impartiality between its white citizens and the Indians; and execute, with the utmost good faith, all the obligations imposed upon it by the late treaty, endeavoring to shield the Indians from imposition and oppression, and to protect its white citizens in the enjoyment of their rights.

With high respect, &c.,

ELBERT HERRING.

Gen. ENOCH PARSONS, *Sparta, Alabama.*

WAR DEPARTMENT,

Office Indian Affairs, December 14, 1832.

GENTLEMEN: I have the honor to acknowledge the receipt of your communication of the 16th ultimo, to the Secretary of War, requesting that no coercive measures may at present be resorted to, for the purpose of removing you from your respective positions in the Creek country, in the State of Alabama.

Very full instructions on the subject of removing intruders from Indian land have heretofore been communicated by the department to the marshal for the southern district of Alabama; and in the execution of his duties, he will extend to all every species of indulgence and favor, that may be consistent with the rights of the parties interested. If the facts of the case be correctly set forth in your communication, no good reason can be perceived for apprehension on your part; but the determination of the subject is committed to the marshal.

With high respect, &c.,

ELBERT HERRING.

Judge S. WILLIAMS and OTHERS,

Irwinton, Pike county, Ala.

WAR DEPARTMENT,

Office Indian Affairs, December 17, 1832.

SIR: I am requested by the Secretary of War to inform you that your attendance is required at this place, for the purpose of having a settlement of your accounts with the department. Be pleased to come on soon as your convenience will enable you. Your actual expenses will be allowed, but according to an established regulation of the office, you must furnish vouchers for those expenses.

With high respect, &c.,

ELBERT HERRING.

Col. J. B. GARDINER,

Lebanon, Ohio.

WAR DEPARTMENT,

Office Indian Affairs, December 17, 1832.

SIR: I have the honor to acknowledge the receipt of your communication of the 18th ult., to the Secretary of War, and to present his thanks to you for the intelligence communicated.

There is no doubt that spurious claims for depredation are sometimes presented to the department; and that fact being well understood here, induces very strict examination previously to their allowance. Many claims are rejected; and possibly some that are allowed ought also to have been rejected; but having been proved by witnesses, and reported upon favorably by the Indian agents, the department has not the means of detecting the fraud.

The person named confidentially in your letter will be narrowly watched, and every claim presented by him will undergo the strictest scrutiny. If you can gather further particulars in relation to him, or any other *practising* in a similar manner, I will thank you to communicate them, in order to guard against contemplated imposition.

On the 15th ultimo, Major General Macomb ordered the commanding officer at Cantonment Gibson to furnish the commissioners with such military escort as they might require, and to render them all practicable facilities in the execution of their duties. It is believed that no further order on that subject will be necessary.

I have been instructed by the Secretary of War to remit \$5,000 for the use of the commissioners, and to assure them that all proper expenses incurred by them in the execution of their official trust, will be borne by the Government.

I have the honor to enclose a copy of Major Dougherty's report to General Clarke, and by him communicated to the department, relative to the late difficulties between the Panis and Omahas; and asking remuneration for damages sustained in consequence of white traders and trappers passing through their country.

General Clarke has also forwarded a copy to the commissioners; but fearful that it may possibly miscarry, it was thought expedient to send a duplicate from this office.

The subject having been referred to the commissioners, it will not be acted upon by the department.

I have the honor to be, &c.,

ELBERT HERRING.

HENRY L. ELLSWORTH, Esq.,

Fort Gibson, Arkansas.

WAR DEPARTMENT,

Office Indian Affairs, December 18, 1832.

GENTLEMEN: By the 5th article of the treaty with the Cherokees, of May 6, 1828, eight thousand seven hundred and sixty dollars were provided for, to recompense them for spoliations committed by the Osages, and citizens of the United States. This sum was paid to Major Duval, then the agent for this tribe, May 30, 1828, by whom a part only was disbursed, and the balance remains charged to him on the books of the treasury.

At the last session, by an act dated July 13, 1832, Congress provided for the payment of such amounts as should be ascertained to be due to John W. Flowers, Nicholas Miller, William Drew, and Joseph Rodgers; under which act five thousand six hundred and fifty-one dollars and fifty cents, were paid to Mr. Flowers, for himself, and as attorney for all the others, except N. Miller. The agent, Capt. Vashon, has been instructed to inform Mr. Miller that the amount due to him is subject to his order.

It having been intimated to the department that there yet remains other claims for spoliations, for which provision should be made, I have been instructed to request that you will give notice to the holders of such claims, to present them forthwith to you for examination. This examination will probably be attended with trouble, but it is the only mode by which the rights of the Indians and the means of the Government can be properly guarded. You will please to report the claims you approve, accompanied by such statements of the circumstances of each, as will enable the department to act promptly and finally upon them.

I am, very respectfully, &c.,

ELBERT HERRING.

Messrs. STOKES, ELLSWORTH, and SCHERMERHORN,
Commissioners, &c.

WAR DEPARTMENT,

Office Indian Affairs, December 18, 1832.

GENTLEMEN: I have the honor to inform you that the Rev. John F. Schermerhorn, of Utica, N. Y., was appointed, on the 22d October last, a commissioner, to execute, in conjunction with yourselves, the provisions of the act of July 14, 1832.

I have the honor to be, &c.,

ELBERT HERRING.

Messrs. STOKES and ELLSWORTH,
Commissioners, &c.

WAR DEPARTMENT,

Office Indian Affairs, December 19, 1832.

SIR: Herewith is enclosed a copy of a letter from Mr. Joshua Pilcher, to Gen. William Clark, and by the latter forwarded to the department.

It is transmitted to you for the purpose of receiving your explanation for paying to Mr. George Davenport six thousand dollars of the Sac and Fox annuities, instead of distributing the money among the families and individuals of those tribes, according to the requisitions of the department, communicated to you by Mr. Pilcher. He says in his letter, "that your receipts for the annuities specify that the money is to be paid over to the Indians according to the regulations of the War Department, so soon as they can be assembled for that purpose," and "that he took particular pains to explain this business to you, and felt surprised (after your assurance that the money should be paid over to the Indians,) at a measure that will prevent them from ever seeing one dollar of it."

Regulations touching official duties are nugatory, unless they are duly observed by the incumbent, and the department is bound by a sense of its own duty, to insist on their observance. These annuities are national property, and ought to be distributed among the families and individuals of the different tribes. Unless they are so distributed, the faith of the Government is violated through the delinquency of its agents. There is no part of the agent's duty, about which the President and the department are more tenacious, than the observance of this rule in the distribution of Indian annuities.

You will therefore immediately require Mr. George Davenport, or Messrs. Farnham and Davenport, to replace the specie delivered to them at Fort Armstrong, and reserve it until the Indians themselves are present, and ready to receive it. If, then, they choose to pay it to those gentlemen, or to others, in satisfaction of debts which they have contracted, it will be their own act, and their own concern. The department is not authorized to direct the payment of such debts from the Indian annuities. As the agent of the Government, it will be your duty to investigate all claims or accounts presented against the Indians, to prevent their paying more than fair and reasonable prices for articles which have been furnished to them.

It would be gratifying to the department to receive from you a satisfactory explanation for the course adopted by you on the occasion.

With high respect, &c.,

ELBERT HERRING.

M. S. DAVENPORT, Esq.,
Rock Island.

WAR DEPARTMENT,

Office Indian Affairs, December 19, 1832.

SIR: It has been intimated to the department by some of the members of Congress from Indiana, that the Miami Indians would probably be disposed to cede to the United States their lands in that State, and remove west of the Mississippi, if a deputation of their chiefs should visit Washington, during the present session of Congress.

Believing that such an arrangement would be highly advantageous, both to the Miamies and the United States, you will be pleased to suggest to some of their chiefs the expediency of their sending a delegation to this place, clothed with full powers to make a treaty; and, if they assent to the proposition, you will immediately accompany six or seven of their chiefs to this place; and, in the event of a treaty being concluded with them, the expenses of their journey will be borne by the Government. You will also associate with yourself either of your sub-agents, if you should think it advisable.

Unless you should ascertain, by conversing with them, that it is probable a treaty would be the result of such visit, it would be inexpedient to subject them to the trouble and expense of coming.

With high respect, &c.,

ELBERT HERRING.

Gen. WILLIAM MARSHALL.

WAR DEPARTMENT,

Office Indian Affairs, December 19, 1832.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 4th instant, to the Secretary of War, enclosing the agreement of the 3d instant, between the Wyandots at the Big Spring, and those of Upper Sandusky; and also your statement of several subjects incidentally introduced at the time of entering into the said agreement, and which you promised to lay before the President.

The Secretary of War is much gratified with the arrangement, concluded

through your instrumentality, with those bands of the Wyandot tribe, believing that it will be highly conducive to their welfare.

In relation to those different subjects specified in the statement above-mentioned, the stipulated price of their land will be paid to the chiefs, to be by them distributed according to the aforesaid agreement of the 3d instant. Eight hundred dollars of this sum were paid to Mr. Gunn in July last, and a requisition is issued this day, in favor of Col. McElvain, for the balance.

It is not competent for the department to make provision for the warrior, Thomas Long, as required by the chiefs. It is obligatory upon the department to fulfil, and not to exceed, the stipulations of the treaty. Congress alone is invested with the power of giving relief in the case. The same remarks are applicable to Roe-nu-ness. Provision was made for him by treaty, and then was the time for the chiefs to have had it increased, if they desired it. To allay uneasiness on his part, arising from the construction of the 4th article of the treaty, a patent for three hundred and twenty acres of land thereby intended to be secured to him, will be issued to him in the usual form.

It is contrary to an established rule of the department to interfere for the purpose of securing to individuals the payment of contract debts due to them by the Indians. The Government is bound to pay its debts to the Indians according to contract with them; and then it must rest with the Indians, themselves, to pay their own debts contracted with different individuals.

With high respect, &c.,

ELBERT HERRING.

Messrs. J. McELVAIN and T. RIGDEN.

P. S. Be pleased to communicate a copy of this letter to Mr. Rigden.

WAR DEPARTMENT, *December 19, 1832.*

SIR: You are hereby appointed special commissary to the board of commissioners heretofore appointed to treat with the Miami and Pottawatamie tribes of Indians, under the act of Congress approved July 9, 1832, to disburse and account for the funds appropriated by said act, or so much thereof as may be placed in your hands, under the direction of said commissioners.

So soon as the usual bond is executed and approved, funds will be placed in your hands accordingly.

Very respectfully, &c.,

LEWIS CASS.

ANTHONY L. DAVIS, Esq.

WAR DEPARTMENT, *December 19, 1832.*

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, in which you communicate your proceedings with the remaining bands of the Appalachicola Indians and their result. It gives me pleasure to convey to you the approval, by the President and the department, of the manner in which you have executed the duties entrusted to you. I cannot doubt that the report of the young chiefs, whom you have judiciously invited to accompany Blunt and his party, will excite, in the minds of a majority of their respective bands, a strong disposition to emigrate. If this should

be the case, and on their return their bands should be willing to negotiate, it is the wish of the department that you should meet them on the part of the United States, and conclude with them a treaty, if it shall be practicable, under the instructions heretofore given to you, and in accordance with the suggestions contained in your letter.

I am, very respectfully, &c.,

LEWIS CASS.

Col. JAMES GADSDEN,
Wascissa, Florida.

WAR DEPARTMENT,

Office Indian Affairs, December 22, 1832.

SIR: Your letter of the 8th instant to the Secretary of War, with respect to the Creek lands in Alabama, has been received and referred to this office.

By the late treaty the Creeks have the power of conveying their selections, for a fair consideration, in such manner as the President may direct. It has not as yet been reported to the department that the selections have been, nor even that the survey of the lands has been completed.

It is improbable that any of the Indians will dispose of their right to reservations until after their selections are located. The purchase in such case would be at random, and the consideration might not be considered fair. It would, therefore, be unwise to purchase Indian rights before the location of the selections.

The Government will not give greater facility or privilege to one person or company than to another in the purchase of the selections; nor will the President approve any contract for the sale of such selections, unless the fairness of the transaction be fully established.

Leonard Tarrant, esq., of Montevallo, Shelby county, Alabama, will be appointed to examine and report upon all Indian contracts for the sale of their land; and after the survey and selection before-mentioned shall have been made, all will have an equal right to purchase.

With great respect, &c.,

ELBERT HERRING.

S. C. BENTON, Esq.,
Creek Agency.

WAR DEPARTMENT,

Office Indian Affairs, December 24, 1832.

SIR: Your letter of the 8th inst, directed to the Secretary of War, has been received at this office.

The account for your services and expenses, as joint agent with Col. McElvain, amounting to ninety dollars, is approved, and will be remitted to you at Mount Vernon.

Very respectfully, &c.,

ELBERT HERRING.

THOMAS RIGDON, Esq.,
Mount Vernon, Ohio.

WAR DEPARTMENT,

Office Indian Affairs, December 24, 1832.

SIR: I have the honor of forwarding your commission as commissioner under the act of July 14, 1832, to provide for the appointment of three commissioners to hold Indian treaties, and for other purposes.

I have the honor to be, &c.,

ELBERT HERRING.

JOHN F. SCHERMERHORN, Esq.,

Fort Gibson, Arkansas.

[Same to HENRY L. ELLSWORTH.]

WAR DEPARTMENT,

Office Indian Affairs, Dec. 24, 1832.

SIR: On the 23d of October last, copies of instructions to Messrs. McElvain and Rigdon, upon the subject of Wyandot reservations, were forwarded to Mr. Trowbridge by direction of the Secretary of War.

I have now the honor to inform you, that these gentlemen have concluded an arrangement between the opposing bands, which has been approved by the department; and to transmit a copy of the articles of agreement to carry which into effect, a requisition was issued in favor of Colonel McElvain, on the 19th instant, for \$19,200. The balance of the appropriation of \$20,000, for the payment of these reservations, was paid July 7th, by order of the chiefs, to Mr. Gunn.

I have the honor to be, &c.,

ELBERT HERRING.

His Excellency GEO. B. PORTER, *Detroit.*

WAR DEPARTMENT,

Office Indian Affairs, Dec. 27, 1832.

SIR: I enclose accounts and vouchers for expenses paid by Mr. Martin Lane, their interpreter, on account of the band of the Senecas, which was detained in Indiana, in the winter of 1831.

If Mr. Lane was not furnished by you with funds to meet these expenses, and if they have not been paid by yourself, and you consider the charges reasonable, you will please draw upon this department for the amount, pay it to Mr. Lane, and forward his receipts with your quarterly accounts. You will state in the draft the object for which it is drawn.

Very respectfully, &c.,

ELBERT HERRING.

Col. JOHN McELVAIN,

Columbus, Ohio.

WAR DEPARTMENT,

Office Indian Affairs, Dec. 27, 1832.

SIR: I have the honor to return the letters of H. McPherson and others, in relation to the claim of Martin Lane, and to inform you that his account and vouchers have been sent to Colonel McElvain, with instructions to pay

the amount, if it has not already been paid by him, from funds furnished to defray the expenses of the removal of the Senecas.

I have the honor to be, &c.,

ELBERT HERRING.

Hon. JOSEPH VANCE, *H. R. U. S.*

WAR DEPARTMENT,

Office Indian Affairs, Dec. 27, 1832.

SIR: Your letter of the 13th instant has been received. A requisition issued in your favor, Nov. 3d, for \$712 67, which sum, it was supposed, had been remitted to you from the Treasury. Upon inquiry, it was ascertained the requisition had been detained in the office of the Second Auditor, to obtain some explanation from you. The Secretary of War, upon being informed of this, directed the account should be passed upon your certificate. The requisition, therefore, will reach the Treasury this morning, and the money be immediately sent to you.

A second requisition issued in your favor yesterday, for five hundred dollars, to defray other expenses, for which you will be required to account.

I am, sir, &c.,

ELBERT HERRING.

ROBT. L. CRAWFORD, Esq.,
Mobile, Alabama.

WAR DEPARTMENT,

Office Indian Affairs, Dec. 31, 1832.

SIR: In relation to the subject mentioned in the letter of Mr. J. H. Brodnax, to yourself, enclosed in your communication to me of the 26th instant, I have the honor to state, that the deed of John O'Ryle, for several reservations of land in the State of Alabama, was presented to the Commissioner of the General Land Office, who informed me that O'Ryle could not alienate the land, as he was not vested with the fee simple, but only a life estate in it. In support of that position, the enclosed opinion was obtained at that office.

The letter of Mr. Brodnax is herewith returned, according to your request, and the deed of O'Ryle will be transmitted to Col. Crowell, together with a copy of the enclosed opinion.

I have the honor to be, &c.,

ELBERT HERRING.

Hon. S. W. MARDIS, *H. R. U. S.*

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